



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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|               |                        |
|---------------|------------------------|
| Meeting Date: | Thursday 12 March 2020 |
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|       |      |
|-------|------|
| Time: | 10am |
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| Venue: | Council Chambers<br>Hawke's Bay Regional Council<br>159 Dalton Street<br>Napier |
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| Council Members | Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright |
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|               |                 |
|---------------|-----------------|
| Administrator | Governance Team |
|---------------|-----------------|

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**Next Council Meeting**  
**Thursday 23 April 2020**

# ORDER OF BUSINESS

## Apologies

Nil

## Conflicts of interest

## Public forum

## Announcements by the Mayor including notification of minor matters not on the agenda

*Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13*

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## Announcements by the management

## Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Thursday, 30 January 2020 be confirmed as a true and accurate record of the meeting. .... 158

## Agenda items

- 1 Local Governance Statement.....4
- 2 Hawke's Bay Museums Trust Statement of Intent and Financial Reporting.....93
- 3 Joint Committee Minutes - Omarunui Refuse Landfill and Clifton to Tangoio Coastal Hazards Strategy ..... 116
- 4 Actions From Previous Meetings..... 130

## Reports / Recommendations from the Standing Committees

### Reports from Sustainable Napier Committee held 13 February 2020

- 1 National Aquarium Detailed Business Case ..... 133

### Reports from Napier People and Places Committee held 27 February 2020

- 1 Hawke's Bay Civil Defence Emergency Management Group Annual Report 2018/19 ..136
- 2 Napier Positive Ageing Strategy..... 137
- 3 Safer Napier Programme - Annual Update ..... 138
- 4 Napier Social Monitor Report - 2019..... 139
- 5 Lease of Reserve - Hawke's Bay Volunteer Coastguard Charitable Trust..... 140

### **Reports from Prosperous Napier Committee held 27 February 2020**

|   |  |     |
|---|--|-----|
| 1 | Reserve Funding Changes.....   | 141 |
| 2 | Hawke's Bay Airport Ltd Half Year Report to 31 December 2019 .....     | 143 |
| 3 | Digital Property File Fee Amendment – <b>Decision of Council</b> ..... | 144 |
| 4 | Policy - Council Organisation Appointments and Remuneration .....      | 146 |

### **Reports under delegated authority**

|   |                                    |     |
|---|------------------------------------|-----|
| 1 | Tenders Let.....                   | 147 |
| 2 | Resource Consents .....            | 149 |
| 3 | Documents Executed under Seal..... | 154 |

### **Minor matters not on the agenda – discussion (if any)**

|                              |     |
|------------------------------|-----|
| <b>Public excluded</b> ..... | 155 |
|------------------------------|-----|

# AGENDA ITEMS

## 1. LOCAL GOVERNANCE STATEMENT

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Operational                                    |
| <i>Legal Reference:</i>                | Local Government Act 2002                      |
| <i>Document ID:</i>                    | 902890   |
| <i>Reporting Officer/s &amp; Unit:</i> | Devorah Nícuarta-Smith, Team Leader Governance |

### 1.1 Purpose of Report

To present the current 2020 Local Governance Statement prior to it being made public as required under the Local Government Act 2002.

#### Officer's Recommendation

That Council:

- a. Note the current version of the Local Governance Statement, recognising that it is a live document which will be maintained over the triennium.
  - i. Note that the document will be made publicly available via Council's website, and a copy held at each Library and the Customer Service Centre.
- b. Confirm the updates to the external appointments in Appendix Three "Governance Structure"
  - i. Correction from Hawke's Bay Sports Council to Sports Hawke's Bay
  - ii. Additional appointment – Howard Estate Advisory Board – Michelle Monteith
  - iii. Additional appointment – Pukemokimoki Marae Trust – Cr Hayley Browne
  - iv. Additonal appointment – Te Matau a Maui trust – Barbara Arnott

#### Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

### 1.2 Background Summary

The Local Governance Act 2002 requires that a local authority prepare and make publicly available a Local Governance Statement within 6 months of any triennial election.

A Local Governance Statement must provide information on:

- the functions, responsibilities, and activities of the local authority
- any local legislation that confers powers on the local authority
- the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review
- the electoral system and the opportunity to change it



- representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them
- members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct)
- governance structures and processes, membership, and delegations
- meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders)
- consultation policies
- policies for liaising with, and memoranda or agreements with, Māori
- the management structure and the relationship between management and elected members
- the remuneration and employment policy, if adopted
- equal employment opportunities policy
- key approved planning and policy documents and the process for their development and review
- systems for public access to it and its elected members
- processes for requests for official information

The most up-to-date iteration of the Local Governance Statement is shown at **Attachment A**.

The Statement must be updated as the local authority considers appropriate; the Napier document is treated as a live document and updated as regularly as possible to ensure its correctness.

### 1.3 Issues

No Issues

### 1.4 Significance and Engagement

This matter is a requirement under the Local Government Act 2002 and does not trigger the Significance and Engagement Policy or any other consultation requirements.

### 1.5 Implications

#### Financial

N/A

#### Social & Policy

The Local Governance Statement is one way that the public can build their knowledge about their Council, its functions and activities, and how they can interact and participate in local democracy.

#### Risk

N/A

### 1.6 Options

The options available to Council are as follows:

- a. To note the Local Governance Statement in its current updated version, recognising that it is a live document and will be updated as required throughout the triennium.

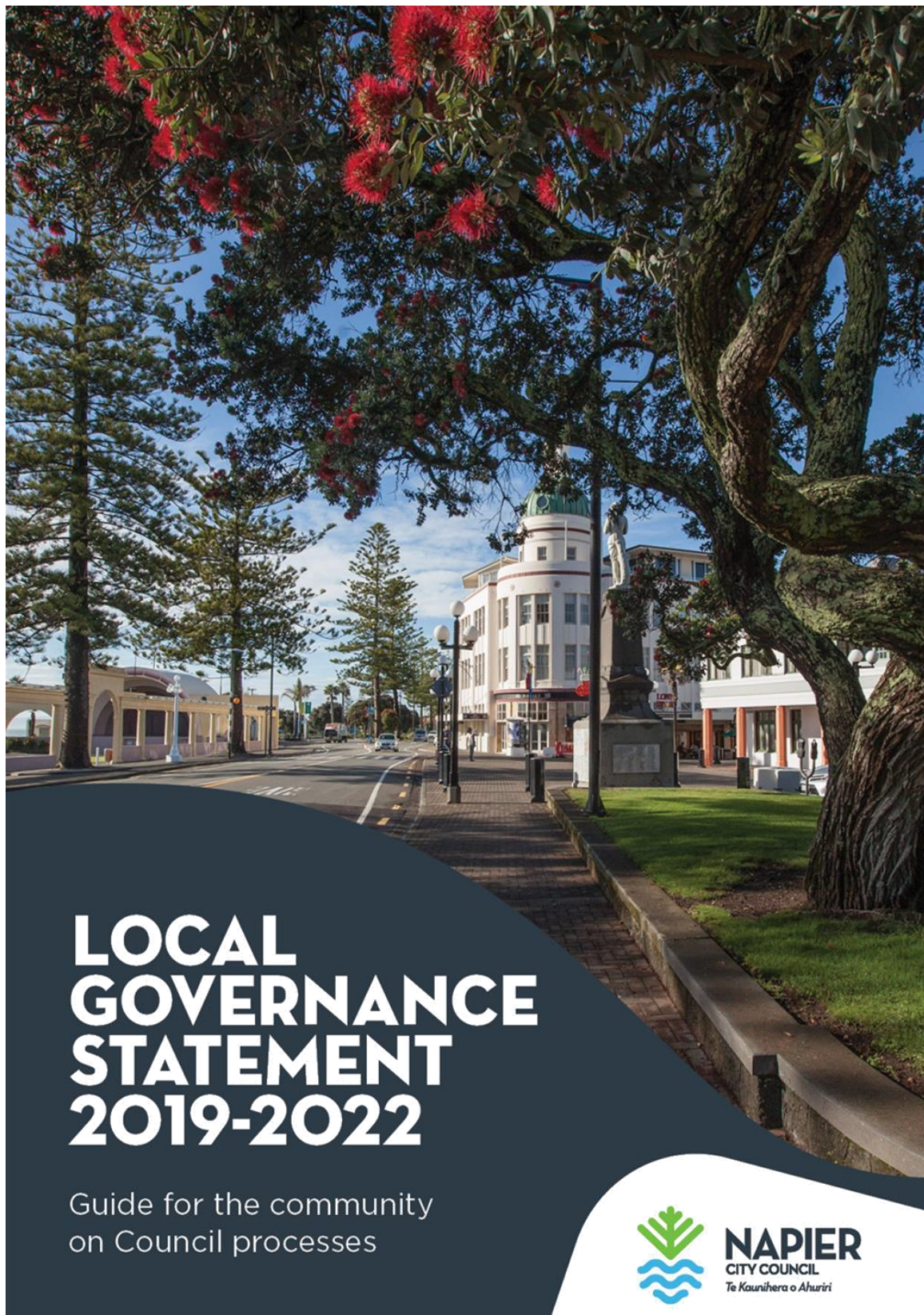
The document will be made available to the public via Council's website, and a copy held at each Library and the Customer Service Centre.

#### **1.7 Development of Preferred Option**

N/A

#### **1.8 Attachments**

A Local Governance Statement [↓](#)



## Vision and mission

To provide the facilities and services, the environment and leadership, plus encouragement for economic opportunities to make Napier the best city in New Zealand in which to work, raise a family and enjoy a safe and satisfying life.



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|--|-----------|
| <b>1. INTRODUCTION – WHAT IS A LOCAL GOVERNANCE STATEMENT?</b> | <b>5</b>  |
| <b>2. WHAT THE COUNCIL DOES</b>                                | <b>6</b>  |
| Functions of Council – key legislation                         |           |
| Functions of Council – other legislation                       |           |
| Activities   |           |
| <b>3. BYLAWS</b>   | <b>8</b>  |
| What are Bylaws?   |           |
| Napier City Council Bylaws                                     |           |
| <b>4. ELECTORAL SYSTEMS AND OPPORTUNITY TO CHANGE THEM</b>     | <b>13</b> |
| When is the next election?                                     |           |
| What is an 'electoral system'?                                 |           |
| First Past the Post (FPP)                                      |           |
| Single Transferable Vote (STV)                                 |           |
| Changing the electoral system                                  |           |
| <b>5. REPRESENTATION ARRANGEMENTS</b>                          | <b>15</b> |
| What are 'representation arrangements'?                        |           |
| Current Napier City Council representation structure           |           |
| Map of Napier City Council wards                               |           |
| Meet your Council  |           |
| Review of representation arrangements                          |           |
| <b>6. ROLES AND CONDUCT OF ELECTED MEMBERS</b>                 | <b>24</b> |
| Role of the Governing Body (Council)                           |           |
| Role of the Chief Executive                                    |           |
| Code of Conduct  |           |
| Legislation relevant to conduct                                |           |
| <b>7. GOVERNANCE STRUCTURES, MEMBERSHIP AND DELEGATIONS</b>    | <b>28</b> |
| Council Committee Structure                                    |           |
| <b>8. MEETING PROCESSES</b>                                    | <b>29</b> |
| Giving notice to members                                       |           |
| Giving notice to the public                                    |           |



|  |           |
|--|-----------|
| Agendas and minutes                              |           |
| Public attendance at meetings                    |           |
| When the public may speak at a meeting           |           |
| Standing Orders                                  |           |
| <b>9. CONSULTATION POLICIES</b>                  | <b>35</b> |
| Legal requirements                               |           |
| Significance and engagement policy               |           |
| Special consultative procedure                   |           |
| <b>10. RELATIONSHIPS WITH MĀORI</b>              | <b>37</b> |
| <b>11. MANAGEMENT STRUCTURE</b>                  | <b>39</b> |
| Management organisation chart                    |           |
| Employment policies                              |           |
| Equal opportunities policy                       |           |
| <b>12. KEY PLANNING AND POLICY DOCUMENTS</b>     | <b>41</b> |
| Long Term Plan                                   |           |
| Annual Plan                                      |           |
| Annual Report                                    |           |
| Napier City District Plan                        |           |
| Key joint plans and policies with other Councils |           |
| <b>13. REQUESTING OFFICIAL INFORMATION</b>       | <b>46</b> |
| What is official information?                    |           |
| Requesting information                           |           |
| Refusal of a request for information             |           |
| Charging for official information requests       |           |
| <b>14. CUSTOMER ENQUIRIES</b>                    | <b>48</b> |
| General contact information                      |           |
| Service requests and complaints                  |           |
| <b>15. APPENDIX ONE – National legislation</b>   | <b>49</b> |
| <b>16. APPENDIX TWO – Local legislation</b>      | <b>51</b> |
| <b>17. APPENDIX THREE – Governance Structure</b> | <b>52</b> |

## 1. INTRODUCTION – WHAT IS A LOCAL GOVERNANCE STATEMENT?

This Local Governance Statement provides information about the processes through which Napier City Council engages with the residents of Napier, how the Council makes decisions, and how citizens can influence these processes.

Local Governance Statements are a requirement under section 40 of the Local Government Act 2002, and must be adopted by a new Council within six months of an election. It may be updated at any point during the next three years after that to ensure that it remains accurate and up-to-date.

## 2. WHAT THE COUNCIL DOES

The purpose of Napier City Council is to enable democratic local decision-making, and to promote the social, economic, environmental, and cultural well-being of the Napier community now and for the future.

### Functions of Council – Key Legislation

The key legislation applying to Napier City Council, and the functions that the Council undertakes as a result of this legislation, include:

#### Local Government Act 2002

- Planning for community needs, with general power to undertake any activities to perform its role with particular regard to:
  - network infrastructure,
  - solid waste collection and disposal,
  - the avoidance or mitigation of natural hazards, and
  - libraries, museums, reserves, recreational facilities, and other community infrastructure.
- Making and enforcing bylaws.
- Facilitating and building Māori capacity to get involved in local government decision making.

#### Local Government Act 1974

- Providing local roads, footpaths, cycle tracks, pedestrian malls.
- Naming local roads.
- Providing land drainage.

#### Local Government Official Information and Meetings Act 1987

- Management of council meetings, including how information about the timing of meetings, the topics of discussion and decisions made, is provided to the public.
- Provision of official information held by council, including notes about when information may be withheld.

#### Resource Management Act 1991

- Managing natural and physical resources sustainably through setting objectives, policies and rules that manage environmental effects of activities and which are incorporated into District Plans.

#### Local Electoral Act 2001

- Managing local authority (council) triennial elections.



## Functions of Council – Other Legislation

### National Legislation

Local Authorities (councils) are affected by other legislation as well. While most legislation impacts on the activities of a council to some degree, some Acts are of direct relevance to how council undertakes its functions, responsibilities and activities.

A list of the national legislation of particular importance to Napier City Council can be found at [Appendix One](#).

### Local Legislation

Napier City Council is also affected by some local legislation.

Local legislation comprises Acts of Parliament that have come about through a Bill promoted by a particular council, and which affects a particular locality only. Some of this legislation is now of limited relevance; however, all of these enactments remain in force and confer various powers and responsibilities on Napier City Council either directly or as successor to the former Napier Borough Council, the Hawke's Bay County Council or the Hawke's Harbour Board.

A list of the local legislation for Napier City Council can be found at [Appendix Two](#).

## Activities

In order to perform its functions, Napier City Council undertakes many different activities. Information is provided about these activities in Council's plans and reports, such as the Long Term Plan, the Annual Plan and the Annual Report, which include associated financial information and key projects.

More detailed descriptions of these documents are outlined in Section 12 of this Local Governance Statement, along with the weblinks to the current documents.

The activities of Napier City Council are:

- Democracy and governance
- Transportation
- Stormwater, wastewater and water supply
- Other infrastructure
- City Strategy
- Community and visitor experiences
- Property assets

### 3. BYLAWS

#### What are Bylaws?

Bylaws are rules that a Local Authority (council) has the power to make. They apply:

- to local issues that existing Acts of Parliament and Regulations do not cover,
- within the boundaries of the Local Authority,

and there are a range of options available to the Local Authority to enforce them.

A council may make bylaws to protect the public from nuisance, to protect, promote and maintain public health and safety, and to minimise potential for offensive behaviour in public places. If a bylaw is broken, a fine or prosecution may be incurred.

Bylaws are available on Council's website <https://www.napier.govt.nz/our-council/policies-and-bylaws/bylaws/>

The Local Government Act 2002 requires bylaws to be reviewed within 5 years of the date on which they are first made, with all further reviews carried out within 10 years<sup>1</sup>.

#### Napier City Council Bylaws

| Bylaw  | Adopted | Reviewed | Next Review |
|--|---------|----------|-------------|
| <b>Introductory Bylaw 2014</b><br>Identifies and clearly interprets the terms and expressions that are used throughout Napier City Council Bylaws. Outlines the serving of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works, fees and charges, offences and penalties for breach of bylaws.   | 2008    | 2014     | 2024        |
| <b>Animal Control Bylaw 2014</b><br>Controls the keeping of animals, poultry, bees and reptiles on private property and trapping activities in public and private places. Sets minimum necessary requirements on owners for maintaining the principles of animal welfare and for the protection of residents and the local community from potential nuisance, excess noise, and health hazard. | 2008    | 2014     | 2024        |

<sup>1</sup> Local Government Act 2002, sections 158-159

| Bylaw  | Adopted | Reviewed | Next Review |
|--|---------|----------|-------------|
| <b>Cemeteries Bylaw 2014</b><br>Controls activities within cemeteries to ensure acceptable standards of operation, and to ensure that convenience, safety, visual amenity and civic values are maintained for the wellbeing of residents, monumentalists, and funeral services.  | 2008    | 2014     | 2024        |
| <b>Dog Control Bylaw 2014</b><br>Enhances the safety of the public and children by minimising the distress, nuisance and intimidation caused by dogs to the community, avoiding the inherent danger of uncontrolled dogs in public places and to provide dogs and their owners with the ability to satisfy their recreational needs, as far as is practicable through legislative means. | 2014    |          | 2019        |
| <b>Fire Control Bylaw 2014</b><br>Controls burning in the open air in the district and prevents smoke from fires in the open causing a nuisance. Control and prevent the spreading of fires in the district.   | 2008    | 2014     | 2024        |
| <b>Freedom Camping Bylaw 2017</b><br>The purpose of this Bylaw is to control freedom camping in the district in order to protect the area, protect the health and safety of people who may visit the area, and to protect access to the area.  | 2014    | 2017     | 2026        |
| <b>Mobile Sign Bylaw 2013</b><br>The purpose of this Bylaw is to ensure that vehicle and trailer advertising signs are erected, maintained, positioned and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to maintain aesthetic standards.  | 2013    |          | 2020        |

| Bylaw   | Adopted | Reviewed | Next Review |
|---|---------|----------|-------------|
| <b>Parking Control Bylaw 2014</b><br>Controls parking activities, and addresses parking issues which may have an adverse effect on other users of public places.  | 2008    | 2014     | 2024        |
| <b>Parks &amp; Reserves Bylaw 2014</b><br>Controls a diverse range of activities, and addresses behaviour in public facilities such as parks, reserves and beaches.   | 2008    | 2014     | 2024        |
| <b>Public Places Bylaw 2014</b><br>Ensures that acceptable standards of convenience, safety, visual amenity, and civic values are maintained within the district. Addresses damage to public places such as roads, grass verges, garden areas and reserves and activities within public places and reserves which may have an adverse effect on other users of these facilities.                        | 2008    | 2014     | 2024        |
| <b>Liquor Control Bylaw 2014</b><br>Enhance safety and the public enjoyment of public places in a responsible manner, particularly within the central city, by providing for liquor control in specified public areas in order to reduce the incidence of alcohol related offences, particularly those of a violent and/or destructive nature.  | 2004    | 2014     | 2024        |
| <b>Solid Waste Bylaw 2012</b><br>Regulates waste management, including the collection, transportation and disposal of waste. Aims to support waste minimisation and reduction, and assist in the implementation of Council's Solid Waste Management Plan and the New Zealand Waste Strategy, to ensure effective and efficient waste management and to impose performance standards for waste handling. | 2008    | 2012     | 2022        |
| <b>Speed Limits Bylaw 2012</b><br>To set speed limits for roads in the urban traffic areas.   | 2005    | 2012     | 2022        |

| Bylaw   | Adopted  | Reviewed | Next Review |
|---|----------|----------|-------------|
| <p><b>Stormwater Bylaw 2020</b></p> <p>Prevents the misuse of Council's public stormwater network by controlling the discharge of contaminants into the network, requiring the use of the network for the discharge of stormwater only and to protect the network from damage or alteration.</p>  | Dec 2019 |          | 2029        |
| <p><b>Tattooists and Skin Piercers Bylaw 2014</b></p> <p>Prevents the transference of communicable diseases, and the development of wound infections, by skin piercing practices. Requires that premises at which skin piercing is practiced are registered, and provides constructional and operational standards to be complied with in accordance with the registration process.</p> | 2008     | 2014     | 2024        |
| <p><b>Trade Waste Bylaw 2014</b></p> <p>Protects wastewater infrastructure and regulates disposal and treatment of trade waste. Aims to ensure effective and efficient trade waste management, and to meet requirements of discharge consents for treated waste to the marine environment by imposing performance standards and requirements for trade waste disposal.</p>              | 2008     | 2015     | 2025        |
| <p><b>Trading in Public Places Bylaw 2014</b></p> <p>Regulates the conduct of persons selling goods on streets, roads, footpaths and other public places, or using vehicles to sell goods and services to the general public. Prescribes fees where required.</p>   | 2008     | 2014     | 2024        |
| <p><b>Wastewater Drainage 2014</b></p> <p>Prevents the misuse of Council's wastewater drainage system. Ensures the protection of personnel and the general public. Protects the ability of Council to meet legislative requirements and protect investment in all existing and future infrastructure treatment plant and disposal facilities.</p>                                       | 2008     | 2014     | 2024        |

| Bylaw   | Adopted | Reviewed | Next Review |
|---|---------|----------|-------------|
| <a href="#">Water Supply Bylaw 2012</a><br>Provides protection for Council's water supplies and infrastructure. Defines the water supply areas and sets out conditions of supply. | 2008    | 2012     | 2022        |

## 4. ELECTORAL SYSTEMS AND OPPORTUNITY TO CHANGE THEM

### When is the next election?

Local Government elections are run every three years on the second Saturday of October. The most recent election was 12 October 2019, and the next will be in October 2022.

### What is an 'electoral system'?

An "electoral system" describes the system used for voting at Local Authority elections. The Local Electoral Act 2001 provides for two types of electoral systems, First Past the Post and Single Transferable Vote.

### First past the Post (FPP)

Under this system, each voter may cast one vote for a vacant position. Those candidates with the most votes are elected.

### Single Transferable Vote (STV)

Under this system, voters rank candidates in order of their preference.

All voters' first preferences are counted and any candidates whose votes exceed an amount (called the "quota") is elected.

If not all positions are filled, the surplus votes for successful candidates are redistributed among the other candidates according to voters' preferences.

If the positions are not filled by redistributing surplus votes, the candidate with the fewest votes is excluded and that candidate's votes are then distributed among the remaining candidates according to voters' preferences. This process of redistributing votes continues until all positions are filled.

More detailed information on STV system is available on the website  
<http://www.stv.govt.nz/stv>

### Changing the Electoral System

Napier City Council currently uses First Past the Post as its electoral system.

The option of STV was introduced in the early 2000's for potential use in the 2004 elections. In 2003, a valid demand from at least 5% of the voters in Napier City was made to consider which electoral system would be used in 2004 (STV or FPP) and a poll was undertaken later that year. The results of the poll was to retain FPP. Council has since resolved to continue with the FPP system each election.

Any changes to the electoral system must apply for two elections. On 30 August 2017 Council decided to retain the First Past the Post system for the 2019 and 2022 elections.

The electoral system to be used for future elections could be changed by the following methods:

- Council resolution
- Council holding a poll on whether there should be a change of electoral system (as long as this is decided on before 21 February in the year prior to an election year)
- Voters demanding a poll

At any time, the voting public of Napier City may demand a poll on whether or not there should be a change of electoral system, as long as 5% of the electors clearly indicate that they want this.

To take effect for the 2022 and 2025 election, a valid demand would need to be received before 21 February 2021 and the ensuing poll undertaken before 21 May 2021. For any demand received after 21 February 2021 the poll will be held after 21 May 2021, and the results applicable to the 2025 and 2028 elections.

If you want to find out more on how to demand a poll, please see the Local Electoral Act 2001, Part 2, Sections 29-30.

If you would like to find out more about the matters discussed above, please contact the Governance Team at [governance@napier.govt.nz](mailto:governance@napier.govt.nz)



## 5. REPRESENTATION ARRANGEMENTS

### What are 'representation arrangements'?

Representation arrangements are the way representation of the public is configured for elections for a Local Authority such as Napier City Council, including:

- The number of members that are elected to the governing body of Napier City Council (the legal requirement is no less than six and no more than 30 members, including the Mayor),
- Whether the election of members other than the Mayor (also known as councillors) is by the entire electoral district (called 'at large'), or whether the district is divided into wards for electoral purposes, or whether there will be a mix of 'at large' and ward representation,
- The boundaries of wards, the names of the wards, and the number of members that will represent each ward, if wards are used,
- Whether to have Māori wards for electors on the Māori roll, and
- Whether to have community boards, and if so, how many, and what their boundaries and membership will look like.

Local Authorities must review their representation arrangements at least every six years. Napier City Council completed a representation review in 2018; more information on the review can be found below.

### Current Napier City Council representation structure

Currently Napier City Council has one Mayor and twelve elected members (councillors).

Following Napier City Council's review of its representation in late 2017/ 2018, the final proposal of Council was confirmed by determination of the Local Government Commission in January 2019. In line with the Council's proposal, the election of councillors was restructured as ward-only for the 2019 elections.

The allocation of councillors as is follows:

|                  |               |
|------------------|---------------|
| Ahuriri Ward     | 2 councillors |
| Onekawa Ward     | 2 councillors |
| Nelson Park Ward | 4 councillors |
| Taradale Ward    | 4 councillors |

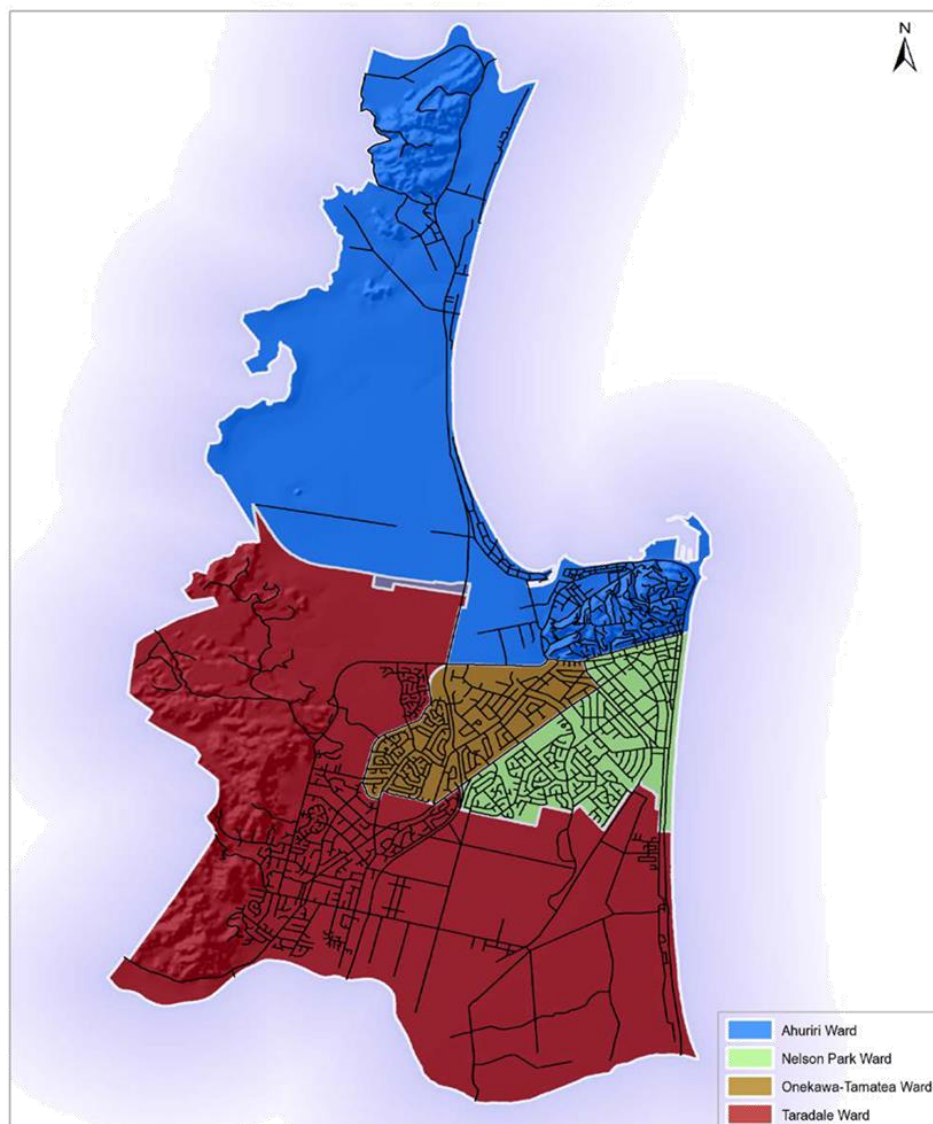
The Mayor will continue to be elected by the city as a whole.

Napier does not currently have Māori wards or community boards.

There was no change to the ward boundaries from previous elections.

## Map of Napier City Council wards

Napier City's current ward boundaries are shown here:



## Meet your Council



**Mayor Kirsten Wise**



**Deputy Mayor  
Annette Brosnan**  
Onekawa-Tamatea



**Cr Richard McGrath**  
Onekawa-Tamatea



**Cr Keith Price**  
Ahuriri



**Cr Hayley Browne**  
Ahuriri



**Cr Tania Wright**  
Taradale



**Cr Graeme Taylor**  
Taradale



**Cr Ronda Chrystal**  
Taradale



**Cr Nigel Simpson**  
Taradale



**Cr Greg Mawson**  
Nelson Park



**Cr Sally Crown**  
Nelson Park



**Cr Api Tapine**  
Nelson Park



**Cr Maxine Boag**  
Nelson Park

You can find more information on the Mayor and Councillors and how to contact them on our website <https://www.napier.govt.nz/our-council/mayor-and-councillors/>

## Review of representation arrangements

### Recent History

| Year | Actions   |
|------|---|
| 2006 | <p>Napier City Council reviewed its representation arrangements at its meeting on 21 June 2006 and agreed that:</p> <ul style="list-style-type: none"> <li>members would be elected by the district as a whole rather than wards,</li> <li>there be 10 members (excluding the Mayor), and</li> <li>there be no community boards.</li> </ul> <p>Public submissions received on this decision mostly supported a ward system.</p> <p>Council met again on 6 September 2006 and decided that:</p> <ul style="list-style-type: none"> <li>members would still be elected by the district as a whole rather than ward on the basis that: <ul style="list-style-type: none"> <li>the 2005 National Research Bureau (NRB) survey indicated a 70% preference for 'at large' versus 28% for wards,</li> <li>it was believed that Napier had many of the characteristics of 'one community of interest', for which election at large is most suitable, and</li> <li>a ward system was not seen to provide fairer or more effective representation.</li> </ul> </li> <li>there be 12 members (excluding the Mayor), on the basis that: <ul style="list-style-type: none"> <li>the 2005 NRB survey indicated a 59% preference for 12 (status quo at the time), a 3% preference for more and only a 31% preference for less,</li> <li>public submissions received also mainly supported retaining the current level of representation, and</li> <li>12 councillors provides a wider range of viewpoints than 10 would.</li> </ul> </li> </ul> <p>The final proposal made in September 2006 was appealed by members of the public to the Local Government Commission, which makes the final decision on representation arrangements.</p> <p>On 10 April 2007, the Commission decided that there will be 12 councillors and a Mayor. Of these, six councillors would be elected 'at large' and six would be elected from four wards – Ahuriri, Onekawa-Tamatea, Nelson Park, Taradale.</p> |

| Year      | Actions   |
|-----------|---|
| 2012      | <p>Napier City Council reviewed its representation arrangements. Council decided in June 2012 to retain the arrangements adopted in 2007. This was due partly to the postponement of the 2001 Census which meant that no updated census information was available. The Census was eventually held in 2013.</p> <p>These same representation arrangements were also used for the 2013 and 2016 triennial elections.</p>  |
| 2017-2018 | <p>Napier City Council reviewed its representation arrangements in a process involving significant levels of engagement with the community, the most in-depth analysis of current and historic data to that point and consideration of a variety of options by the Council.</p> <p>Based on the analysis, it was advised that a ward-only system may be most effective for Napier for a number of reasons. Following Council debate and ensuing initial proposal to maintain the status quo (specifically to continue with the mixed at large/ ward Councillor arrangement), the highest number of submissions on a representation review were received with a strong majority in favour of moving to a ward-only structure.</p> <p>In late 2018, as per the review process, Council considered all submissions, and made the decision to alter its final proposal to a ward-only system. Two public objections were received to the final proposal, meaning the final proposal and all associated information was required to be considered by the Local Government Commission who adjudicates and makes a final determination in these instances.</p> |
| Jan 2019  | <p>The Local Government Commission ratified Council's final proposal to move to election of councillors by ward only, for the 2019 local government election. This determination will also be in place for the 2022 election unless Council directs an earlier review than the required six years, or there are any changes to the city boundary.</p>   |

### Resident Surveys

| Year and Survey   | Votes for<br>'at large' | Votes for<br>wards | Votes for a<br>mix | Councillor number   |
|---|-------------------------|--------------------|--------------------|---|
| 1995<br>Referendum  | 60%                     | 35%                |                    |   |
| 2005<br>NRB Survey  | 70%                     | 28%                |                    | Status quo (12<br>members)<br>– 59% in support<br><br>Reduction (7-10<br>members) – 31% in<br>support |
| 2006<br>Survey undertaken just<br>prior to the Local<br>Government<br>Commission decision | 70%                     | 28%                |                    |   |
| 2009<br>NRB survey  | 28%                     | 20%                | 44%                |   |
| August 2011<br>NRB survey   | 25%                     | 21%                | 52%                | Status quo (12<br>members)<br>– 62% in support<br><br>Reduction (7-10<br>members) – 31% in<br>support |
| November 2017<br>Survey   | 12%                     | 27%                | 41%                |   |

### Matters to take into account

Napier City Council must undertake a representation review at least every six years, following the procedure set out in the Local Electoral Act 2001 and guidelines published by the Local Government Commission.

In carrying out a representation review, a Local Authority should be guided by the principle of fair and effective representation for individuals and communities.



Fair representation relates to the number of persons represented per member.

The ratio of persons per member in each ward or constituency is required to be within +/- 10% of the ratio for the district or region as a whole. This is designed to ensure approximate equality in representation i.e. votes of equal value.

Effective representation relates to representation for identified communities of interest. This needs to take account of the nature and locality of those communities of interest and the size, nature and diversity of the district as a whole.

### Māori Wards

The Local Government Act gives Council the ability to establish separate wards for Māori voters. The establishment of Māori wards can be achieved through:

- Council resolution,
- Council resolution to conduct a poll, or
- Community demand at any time to hold a poll.

If Māori ward(s) are to be implemented, the number of members to be elected would be determined according to the number of voters in the district who are registered on the Māori parliamentary roll in relation to the number of voters in the district who are registered on the General Parliamentary roll.

On 8 November 2017, Napier City Council resolved not to establish Māori wards.

Five percent of electors may demand that a poll be held with regards to the establishment of Māori wards.

As the close off date for implementation in the 2019 elections was 28 February 2018, the outcome of any such poll, should one be demanded, would apply to the 2022 elections.

### 2018 Review

Napier completed a representation review in 2018, following an 18 month comprehensive process of community engagement and analysis of historical data. The final proposal of Council was reached in late 2018:

- That the Council continue to comprise a Mayor and 12 Councillors
- That the election of Councillors move to a fully ward-only system
- That the existing ward boundaries be maintained
- That Māori wards and community boards not be established

As two public objections were received to the final proposal, the proposal and all supporting documentation were provided to the Local Government Commission on 8 August 2018. On 18 January 2019 the Commission ratified the final proposal of Council. Council received the determination by resolution on 5 March 2019 and the new representation arrangements applied to the 2019 election.

These representation arrangements will also stand for the 2022 election unless Council chooses to undertake its next representation review earlier than six years.

The timetable of key dates in the process followed were as follows:

| Action  | Dates  |
|---|--|
| Obtain the most up to date population estimates and identify a range of possible representation models. Preliminary consultation with the public on options.  | late 2017 – April 2018   |
| Resolution setting out Council's initial proposal on the representation arrangements applicable for 2019 triennial elections. Initial proposal was to retain the status quo – a mixed ward system of 12 councillors and Mayor with no change to ward boundaries, no community boards, and no Māori wards. | <i>Finance Committee recommendation</i><br>20 March 2018,<br>Council resolution<br>9 April 2018                        |
| Notice of Council's initial proposal to the public (providing at least one month for submissions).  | 10 April 2018  |
| Submissions considered, original proposal amended by resolution, and notify public of its final proposal. Council's final proposal was to move to a ward only system of 12 councillors and Mayor, to retain the same ward boundaries, no community boards and no Māori wards.                             | Hearing and deliberations at Council<br>26 June 2018   |
| As there was a change between the initial and final proposals, appeals from those who submitted on the original proposal and any fresh objections to the amendment were sought for the four weeks following the 26 June 2018. Two objections were received.   | Council received objections<br>7 August 2018   |
| Appeals and objections are forwarded to Local Government Commission, accompanied by all documentation produced during the review process for consideration and determination.   | 8 August 2018  |
| Determination of the Local Government Commission (due by 11 April 2019).  | 18 January 2019  |
| Determination received by Council   | <i>Strategy and Infrastructure Committee recommendation</i><br>19 February 2019,<br>Council resolution<br>5 March 2019 |



### Reorganisation proposals

Local government reorganisation means changes to the structure of local authorities, including:

- changes to boundaries,
- the creation of a new Council,
- the union of Councils,
- the abolition of a Council, or
- the transfer of functions and duties from one Council to another.

Schedule 3 of the Local Government Act 2002 sets out procedures which must be followed for local government reorganisation proposals. The Local Government Commission has also published a useful guide to understanding the process of reorganisation proposals <http://www.lgc.govt.nz/the-reorganisation-process/>.

#### Process for affecting change

- Any individual or group may lodge a proposal for reorganisation with the Local Government Commission.
- The Commission decides whether there is demonstrable community support for the proposal before it decides whether or not to assess the application. If it decides to assess the proposal, it then advertises the proposal and provides an opportunity for alternative proposals to be lodged.
- After considering all the proposals which are received, the Commission forms an opinion as to its preferred arrangement, prepares a draft re-organisation scheme, publicises the scheme, and asks for submissions.
- After considering submissions and any other relevant matters, the Commission may issue a final scheme. At that stage, 10% of the voters of any of the local authorities affected by the scheme may petition for a poll to be taken on the proposal. The results of this poll will determine whether the reorganisation proceeds or goes no further.

#### Napier City Council's recent history

- On 15 September 2015, a poll was held to decide whether the Hawke's Bay Councils should amalgamate into one unitary Council for the region.
- A majority of 66.18% of voters rejected the amalgamation proposal (33.55% voted for the proposal).
- Within Napier City, 87.68% voted against amalgamation.

Scoping work for possible changes to the ward boundaries of Napier City Council was initiated in 2018 through an independent review. Early discussions with the relevant councils and mana whenua will be undertaken prior to any further analysis of options and community engagement.

## 6. ROLES AND CONDUCT OF ELECTED MEMBERS

### Role of the governing body of Napier City Council

The elected members (Mayor and councillors) of Napier City Council have the following roles:

- setting the policy direction of Council
- monitoring the performance of Council
- representing the interests of Napier City as a whole (upon election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the city)
- employing the Chief Executive (under the Local Government Act 2002, the Local Authority employs the Chief Executive, who in turn employs all other staff on its behalf).

### Mayor of Napier City

The Mayor is elected by Napier as a whole ("at large"), and as one of the elected members shares the same general responsibilities as other members of the governing body of Council. A 2012 amendment to the Local Government Act 2002, which came into effect following the 2013 elections, clarified the role of the Mayor and gave the holder of that position certain specific powers.

Under this amendment, the role of the Mayor is to provide leadership to the other members of the governing body of Council, and the people in Napier. Further, it is the Mayor's role to lead the development of Napier City Council's plans, policies, and budgets for consideration by the members of the governing body. To be able to do these things, the Mayor now has the following powers:

- to appoint the Deputy Mayor
- to establish committees of the governing body of Council
- to appoint the Chair of the committees established, including appointing themselves to that position if they wish

The Mayor also has the following roles:

- to chair meetings of the governing body of Council. The Mayor is responsible for ensuring the orderly conduct of business in accordance with Napier City Council's standing orders (more about standing orders can be found in Section 8 below)
- to participate as a member of each committee established under the governing body
- to advocate on behalf of the community at local and national levels
- to represent Napier City Council at official functions
- to ensure that elected members properly perform their function and duties

### Deputy Mayor

The Deputy Mayor may be appointed by the Mayor or is otherwise elected by the members of the governing body of Council at its first meeting following the triennial election (called the triennial meeting).

The Deputy Mayor exercises the same roles as other elected members.

In addition, if the Mayor is absent or incapacitated, or if the office of Mayor is vacant, then the Deputy Mayor must perform all of the Mayor's responsibilities and duties, and may exercise the powers of the Mayor.

### Committee Chairs

A Committee Chair presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by the governing body and as set out in Council's terms of reference for the committee (see [Appendix Three](#)). A Committee Chair may have to act as an official spokesperson on a particular issue relevant to that committee.

### Deputy Committee Chairs

If the Chair is absent or incapacitated, or the office of Chair is vacant, then the Deputy Chair must perform all of the responsibilities and duties, and may exercise the powers of the Chair.

## Role of the Chief Executive

The Chief Executive is appointed by the governing body of Council in accordance with section 42, and clauses 33 and 34 of Schedule 7, of the Local Government Act 2002. The Chief Executive implements and manages Council's policies and objectives within the budget constraints established by Council.

Under section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- implementing the decisions of Council
- providing advice to Council and community boards (where community boards exist)
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of Council effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council
- employing staff (including negotiation of the terms of employment for the staff) in accordance with any remuneration and employment policy adopted by the governing body
- providing leadership for the staff of Council

The governing body of Council has a duty as the Chief Executive's employer to maintain its obligations under the Employment Act. It agrees objectives with the Chief Executive and monitors performance against these annually. A committee may be established for this purpose, reporting back to Council on recommended terms and conditions of employment.

## Code of Conduct

Elected members must adopt a Code of Conduct, which they must all follow<sup>2</sup>. The Code sets out Council's understanding and expectations of how the Mayor and councillors will relate to one another, to staff, to the media and to the general public. It also covers disclosure of information that is received by, or is in the possession of elected members.

All elected members are required to maintain a clear separation between personal interests and their duties. They are required to routinely declare any conflicts of interests whether real or perceived.

The Code contains details of the sanctions that Council may impose if an individual member breaches the requirements, as well as a clear process for the investigation of any complaints by an independent investigator.

Napier City Council adopted a new Code of Conduct on 30 January 2020, based on the Local Government New Zealand model standard.

Once adopted, a Code may only be amended by a majority vote of the governing body where at least 75% support the change.

The Code of Conduct can be found at <https://www.napier.govt.nz/assets/Document-Library/Policies/2019-2022-Code-of-Conduct-adopted-30-January-2020.pdf>

## Legislation relevant to conduct

Elected Members have specific obligations as to their conduct in the following legislation:

| Act                       | Rules   |
|---------------------------|---|
| Local Government Act 2002 | <p>The Act includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders.</p> <p>Under Section 46(1), councillors can be held liable for losses resulting from negligence or unlawful action by Council (reported by the Auditor-General under section 44 of the Act).</p> |

<sup>2</sup> Local Government Act 2002, Schedule 7, Clause 15

Under Schedule 7 clause 1, an elected member (the Mayor, a councillor, or a community board member (where community boards exist) will be disqualified if

- they cease to be an elector or
- become disqualified for registration as an elector under the Electoral Act 1993 or
- are convicted of an offence punishable by a term of imprisonment of two years or more.

Their position will also become vacant if they are absent without leave from Council or community board for four or more consecutive meetings<sup>3</sup>.

|  |  |
|--|--|
| Local Authorities (Members' Interest Act) 1968 | This Act regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect).   |
| Secret Commissions Act 1910                    | This Act prohibits elected members from accepting gifts or rewards that could be seen to sway them to perform their duties in a particular way.  |
| Crimes Act 1961                                | This Act prohibits all acts related to bribery and use of official information for private profit.   |
| Financial Markets Conduct Act 2014             | This Act places elected members in the same position as company Directors whenever Council offers financial products (such as an issue of debt or equity securities).  |
|  | Elected members could be personally liable if documents that are registered under the Act (such as a product disclosure statement) contain false or misleading statements, and or requirements of the Act are not met in relation to offers of financial products. |

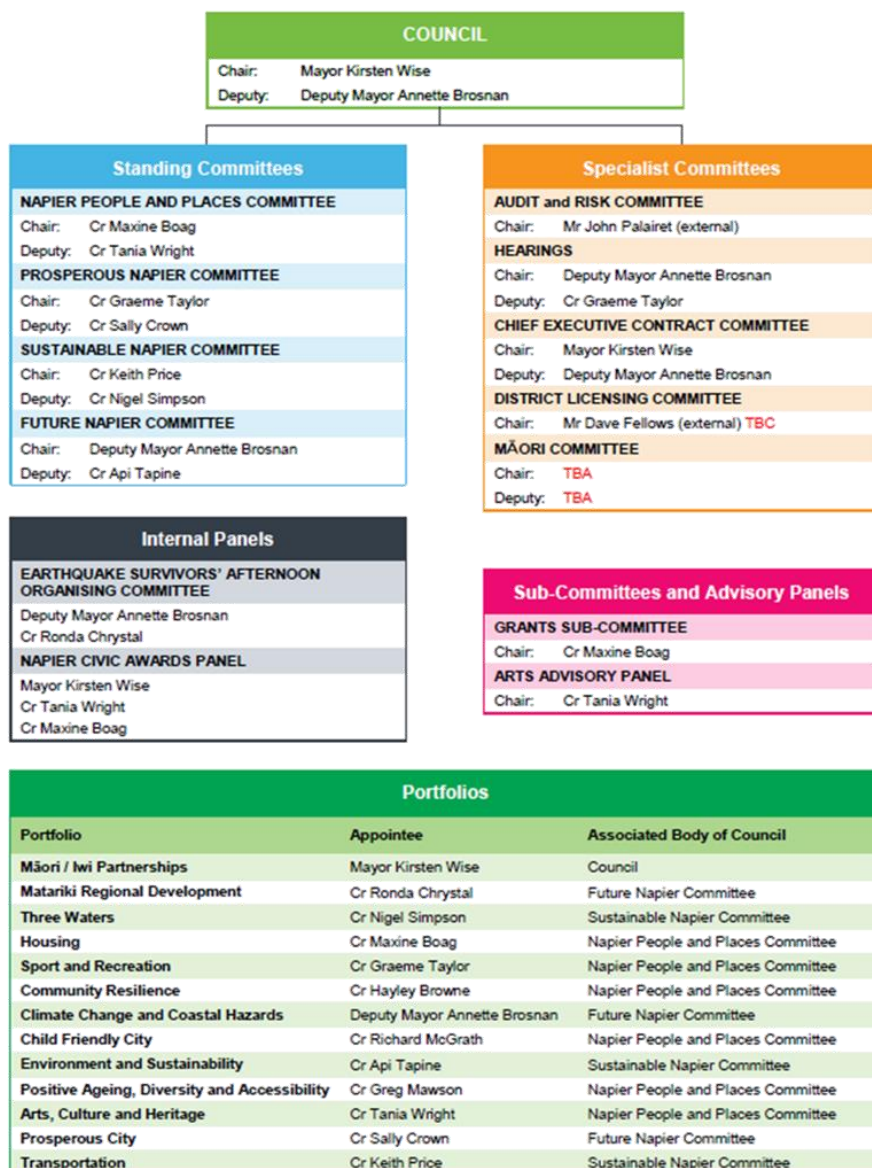
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<sup>3</sup> Local Government Act 2002, schedule 7, clause 50

## 7. GOVERNANCE STRUCTURE, MEMBERSHIP AND DELEGATIONS

### Council Committee Structure

More detailed information on Napier City Council's committees, sub-committees, advisory panels, joint committees and participation in external bodies can be found in our Governance Structure at [Appendix Three](#).





## 8. MEETING PROCESSES

### Giving notice to members

#### Ordinary meetings

For ordinary meetings, at least 14 days' notice of the time and place of the meeting must be given to the members of the meeting, or given in accordance with an adopted meeting schedule. Notification of a schedule is notification of all meetings in the schedule.

#### Extraordinary meetings

Extraordinary meetings (meaning meetings for which notice as required for ordinary meetings cannot be given) can be called with three working days' notice, or a shorter period in exceptional circumstances, but no less than 24 hours' notice.

### Giving notice to the public<sup>4</sup>

#### Ordinary meetings

Public notice of all scheduled meetings in a month must be given at least five days and not more than 14 days prior to the end of the preceding month.

Alternatively, if a meeting is to be held after the 21st of the month, it can be notified not more than 10 working days nor less than five working days prior to the meeting.

#### Extraordinary meetings

Extraordinary meetings must be publicly notified as soon as practicable before the meeting is held. If this cannot be done, such a meeting must be notified as is reasonable in the circumstances. The general nature of business to be conducted at the meeting must be included in the notice.

#### Where to view public notices

Napier City Council places public notices in the Napier Courier newspaper, and may also use the Hawke's Bay Today paper for extraordinary meetings where required. Information about the schedule of meetings is also placed on the Council's website.

If a meeting is notified and later cancelled, a cancellation notice will also be placed.

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<sup>4</sup> Local Government Official Information and Meetings Act (LGOIMA) s46

## Agendas and minutes

### Agendas

Issues that need to be brought to the attention of elected members are contained in reports from Napier City Council staff that are collated into agendas.

The Chair of a meeting may also bring an issue to the attention of a meeting by way of a report.

The requirements for public notice of meetings and public availability of agendas mean that a meeting cannot deal with a matter that is not on the published agenda unless the process in the Local Government Official Information and Meetings Act 1987 is followed. This involves the Chair explaining to the meeting during the public section why the matter was not on the published agenda and why it cannot be deferred to a subsequent meeting. The meeting must pass a resolution approving that the additional item be discussed. However, no resolution, decision or recommendation can be made on the matter itself except to refer it to a later meeting for further discussion.

### Minutes

Minutes are a record of proceedings of a meeting and are required to be kept. They are evidence of the proceedings of a meeting once they are authenticated by being formally confirmed at a following meeting<sup>5</sup>.

The minutes of Napier City Council meetings record the members present and absent, members arrival and departure times (where required), apologies, declarations of conflicts of interest, movers and seconders of motions and amendments, resolutions passed, and names of presenters where relevant. They are not a verbatim record of discussion.

Napier City Council and Standing Committee meetings are livestreamed and can be viewed during the meeting time via Council's Facebook site. They can also be viewed after the meeting at <https://www.youtube.com/playlist?list=PL7kpAHictPi584UwZwOj0Z6NuPsf3Mgto>

### Public access to agendas and minutes

#### Agendas<sup>6</sup>

Agendas for ordinary meetings are required by law to be publicly available at least two working days prior to a meeting.

An agenda for an extraordinary meeting will be made available to the public as soon as is reasonable in the circumstances.

Any member of the public may inspect any open agenda and associated reports circulated to elected members. Members of the public may take notes or request a copy of the agenda or report.

The Chief Executive may exclude reports or items from reports from the public section of any meeting, if there are relevant grounds to do so under the Local Government Official Information and Meetings Act 1987. The title of an item to be discussed with the public

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<sup>5</sup> Local Government Act 2002, schedule 7, clause 28

<sup>6</sup> LGOIMA section 46A



excluded, and reasons for exclusion under the Act will be indicated on each agenda if relevant.

### Minutes<sup>7</sup>

The public are entitled to view the final minutes of a meeting at the main Napier City Council offices. However members of the public are encouraged to use Council's website. The website is a comprehensive repository of all formal Council meetings  
<http://napier.infocouncil.biz/>

A request for the minutes of a part of a meeting from which the public were excluded is treated as a request for official information.

## Public attendance at meetings

### Right to attend<sup>8</sup>

The Local Government Official Information and Meetings Act 1987 requires meetings to be open to the public. The underlying principle is that whenever the governing body of Council exercises the functions and powers given to it by Parliament under legislation, this should be transparent and open to the public to observe.

The public has a right to attend the meeting but does not have an automatic right to participate in the meeting. Public rights to speak at meetings are discussed below.

The Local Government Official Information and Meetings Act 1987 applies to any formal meeting of the governing body, or local board where they exist, or any committee which exercises a responsibility given through legislation.

A meeting at which no resolutions are passed is not considered under the Act to be a meeting that is subject to the requirement to be open to the public. This means that elected members are able to take part in workshops or briefing sessions and to have other informal types of meeting without being required to provide for public attendance, provided no resolutions (decisions) are made.

### Ability to exclude the public<sup>9</sup>

The Local Government Official Information and Meetings Act 1987 gives Council the ability to exclude the public from parts of meetings when certain conditions apply. These conditions include:

- that it is likely that conducting the meeting in public would lead to disclosure of information where there is good reason to withhold that information, or
- that the information is protected by legislation, or a decision is subject to appeal.

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<sup>7</sup> LGOIMA section 51

<sup>8</sup> LGOIMA section 47

<sup>9</sup> LGOIMA section 48

A resolution to exclude the public must be passed, which includes the legal reasons for excluding the public.

If members of the public are in the room when a resolution to exclude the public is passed, the Chair will ask the public to leave the room for the duration of the item(s).

#### Maintaining order<sup>10</sup>

If a member of the public is disruptive at a meeting, and will not obey instructions from the Chair to leave the meeting, the Act allows Council to remove that person.

## When the public may speak at a meeting

### Public forums

Although legislation does not require Local Authorities to allow members of the public to address meetings, many councils including Napier City Council, make provision in their Standing Orders for this.

With the exception of the Hearings Committee<sup>11</sup>, a period of up to 45 minutes in total at each meeting (or longer if the Chair determines it) may be set aside for public input at the commencement of meetings that are open to the public. The printed agenda indicates this as the "public forum".

Each speaker during the public forum section of a meeting may speak for up to ten minutes. This may be extended by resolution of the meeting if necessary.

The public forum is typically used to speak about:

- a matter that is on the meeting agenda,
- something that an organisation is doing in order to inform councillors,
- an issue that is a concern, or
- a petition.

The public forum cannot be used to speak about:

- decisions that have already made (it is not an appeal provision),
- matters for which there is a separate public hearing process (fairness dictates that all submitters use the same process),
- matters which are being dealt with through a quasi-judicial process (which requires a set process that is fair to all parties), or
- matters outside the responsibilities of the meeting or the Napier City Council.

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<sup>10</sup> LGOIMA section 50

<sup>11</sup> As a Hearings Committee already has specific expectations around hearing public submissions a public forum is not required

### How to request to speak at the public forum of a meeting

If you wish to speak at the public forum section of a meeting, please contact the Governance Team in writing at least two days prior to the meeting. You will need to outline what you wish to talk about. The Governance Team will provide your application to the meeting Chair, who makes the decision as to whether your application to speak will be accepted or not. The Governance Team can be contacted at [governance@napier.govt.nz](mailto:governance@napier.govt.nz)

As a public record, the minutes of meetings will record the names of submitters and presenters, and may include a summary of what was said.

### Other ways to be heard

A member of the public can participate in the democratic process by making a written submission when submissions are called and speaking to the submission at a Hearing.

Submissions are invited on consultation documents for

- the Annual Plan,
- the Long Term Plan,
- Bylaws,
- key policies and plans,
- reserve management plans, and
- applications for consent and proposals for plan changes under the Resource Management Act.

See Council's website for a comprehensive list of plans, policies and strategies.

## Standing Orders

The members of a meeting must follow Standing Orders (a set of procedures for conducting meetings). The governing body adopts its own Standing Orders and can amend them by a vote of 75% of the members present. A meeting may suspend all or some of the Standing Orders for a section of a meeting by a vote of 75% of the members present.

Council adopted its current Standing Orders on 30 January 2020, based on the Local Government New Zealand model with some adjustments to reflect specific Napier processes; they can be found on our website:

<https://www.napier.govt.nz/assets/Documents/2019-2022-Standing-Orders-Adopted-30-January-2020.pdf>

### Voting

The Local Government Act 2002 requires all voting at meetings to be open<sup>12</sup>. The Standing Orders provide for three ways of determining a vote:

- on the voices – members say “aye” or “nay”,
- show of hands – by raising their hands,
- by division (each member’s name is called in turn and the member responds by voting for or against the motion).

For all forms of voting a dissenting vote or votes will be recorded. When voting is called by division the votes of **all** individual members will be recorded in the minutes.

The Standing Orders do not allow the meeting Chair to have a casting vote (an additional vote which is only used to break a tie). Where there is a tie in votes, the motion fails and status quo remains.

### Revoking previous decisions

A previous decision can only be revoked:

- at the same meeting as a result of new information,
- at a subsequent meeting by way of a report from the Chief Executive or Chair,
- at a subsequent meeting by way of a notice of motion by a member, with the signatures of at least one third of the meeting.

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<sup>12</sup> Local Government Act 2002, schedule 7, clause 24

## 9. CONSULTATION POLICIES

### Legal requirements

The Local Government Act 2002 sets out consultation requirements and principles for Council to follow when making a decision as the guardian of local resources<sup>13</sup>.

For any decision, Council should:

- assess the problem or issue, identify reasonably practical options for how it could be addressed, and work through the costs, benefits, and impacts for each of those options,
- consider the views of the community at *all* stages of the decision-making process, particularly including persons likely to be affected by or interested in the matter, and the views of Māori (especially where land or water are affected),
- consult prior to making any decision or predetermining an option,
- make decisions taking account of the interests of the present and future community, and the impacts of the economic, social, cultural interests and the quality of the environment, and
- provide reasons for all decisions made, and identify and explain any inconsistencies with other council plans or policies.

Council must apply all these principles, but can do this in the ways that it thinks most appropriate.

### Significance and engagement policy

A significance and engagement policy is a requirement of the Local Government Act 2002<sup>14</sup>. The purpose of the Policy is to:

- enable the Local Authority and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities,
- outline how and when communities can expected to be engaged in decisions about different issues, assets, or other matters,
- outline the extent of any public engagement that is expected before a particular decision is made, as well as the type and form of engagement required. This information is used at the beginning of a decision-making process.

The Policy should outline:

- a general approach to determining the significance of proposal and decisions,

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<sup>13</sup> Local Government Act 2002, sections 75-90

<sup>14</sup> Local Government Act 2002, section 76AA

- criteria or procedures for assessing the extent to which issues, proposals, assets, decisions, or activities are significant or may have significant consequences,
- how the Local Authority will respond to community preferences about engagement on decisions relating to specific issues, assets, or other matters, including the form of consultation that may be desirable,
- how the Local Authority will engage with community on other matters.

Council's Significance and Engagement Policy was reviewed in 2017 and the updated version adopted on 20 December 2017. It can be found at <https://www.napier.govt.nz/assets/Document-Library/Policies/significance-engagement-policy.pdf>

### **Special consultative procedure**

The Local Government Act 2002 sets out the Special Consultative Procedure that Local Authorities must follow when making certain decisions.

The Council must follow the Special Consultative Procedure before it:

- adopts a Long-Term Plan (LTP) or Annual Plan
- amends an LTP
- adopts, revokes, reviews or amends a bylaw
- establishes a Council Controlled Organisation
- decides to sell, dispose of or construct a strategic asset

The Council may be required to use the Special Consultative Procedure under other legislation, and it may choose to use this procedure in other circumstances if it wishes to do so.

Council can (and does) consult outside of the Special Consultative Procedure. For example, Council may hold informal meetings with the public to ask about what matters most to the community and to identify issues of concern. The Special Consultative Procedure is outlined in more detail in the Significance and Engagement Policy.



## 10. RELATIONSHIPS WITH MĀORI

The Local Government Act 2002 places specific expectations on councils in relation to Māori<sup>15</sup>:

- to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi
- establish, maintain and improve processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority
- consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- provide relevant information to Māori for the purposes of their contribution to decision making and fostering their capacity to contribute.

Te Kaunihera o Ahuriri Napier City Council acknowledges its obligations under Te Tiriti o Waitangi towards the mana whenua and wider Māori community of Ahuriri Napier. The important standing of Ahuriri Hapū as mana whenua of Napier is recognised, and Council acknowledges their kinship within the Iwi of Ngāti Kahungunu. Ngāti Kahungunu is represented in Napier City by Te Taiwhenua o Te Whanganui-a-Orutū, which has maintained a consistent relationship with Council over 30 years. Te Taiwhenua o Te Whanganui-a-Orutū enable Council to have direct lines of communication to mana whenua marae, whanau and mataawaka.

Settlement of Treaty of Waitangi grievances is being achieved across Ngāti Kahungunu, with some Hapū post settlement and some near settlement. Through the Treaty of Waitangi settlement process, new representative entities have emerged, resulting in growing relationships with Post-Settlement Government Entities: Maungaharuru-Tangitū Trust and Mana Ahuriri Trust. Partnerships also exist with Iwi and Hapū entities for economic growth through the Matariki Regional Economic Development Strategy.

Te Kaunihera o Ahuriri acknowledge the time and effort required to transition relationships to partnerships, and is undertaking a review of its existing opportunities for Hapū to be formally involved in decision making, deliberately ensuring that engagement and participation are taking place in ways that are meaningful and long term.

Part of this process has included a significant review of the structure of Council's Māori Committee, with stronger recognition of the cultural landscape Council operates in, and tikanga Māori. A strong value is placed on early information, multi-directional conversations and a clear understanding of the role and mana of the Committee and its contribution to the activities of Council.

Council currently participates in the co-governance group, Te Komiti Muriwai o Te Whanga, via its appointed representative, and also providing administrative support to the group. Further co-management and or co-governance groups may be established by central government through the settlement process.

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<sup>15</sup> LGA 2002, ss 4, 81

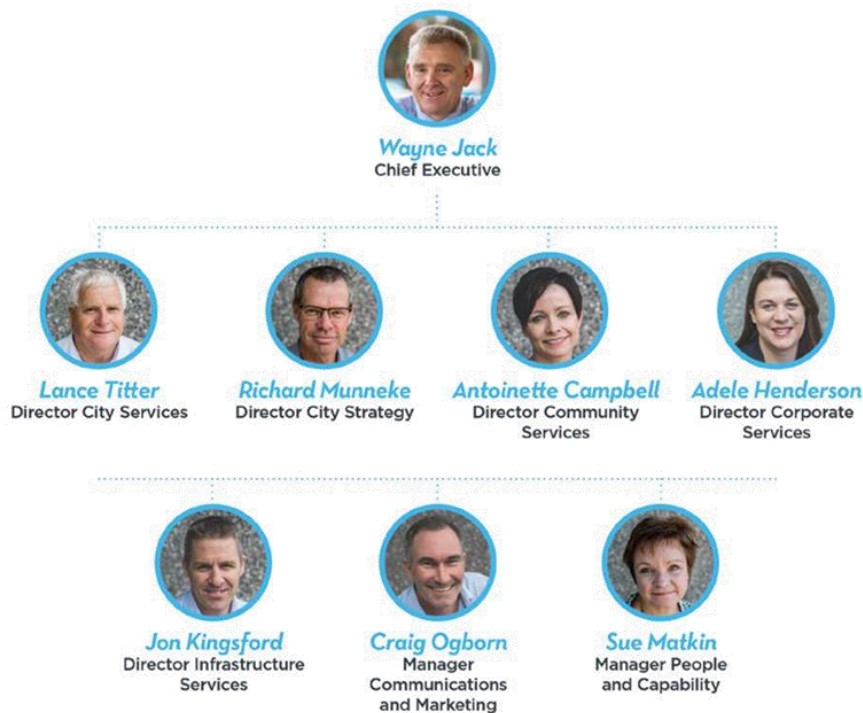
Council holds a special position for an appointed Kaumātua to ensure mana whenua integrity is maintained, and that cultural protocols and practices are advised appropriately to the Mayor, Councillors and the Chief Executive.

Council was also involved in the building of Napier's urban Marae, Pukemokimoki Marae, which sits on Council-owned reserve land. The Marae is run by a Trust on which an elected member is always one of the Trustees, and the Manager Community Strategies acts as an advisor to the Trust Board. Council also provides funding support to the Marae.



## 11. MANAGEMENT STRUCTURE

### Management Organisation Chart



### Employment policies

Napier City Council is committed to recruiting people with the right skills, competencies, behaviours and experience necessary to carry out Council roles effectively to ensure the Council can meet key objectives, providing excellence in service to the community.

Council has a Recruitment & Selection Policy which is intended to assist Managers who are responsible for recruitment to make fair and objective selection decisions that supports the Council in achieving its vision and goals.

Council recognises that remuneration is an important factor in attracting, motivating and retaining talented and skilled people, and its Remuneration Policy provides overarching principles which will act as guidelines when a staff member is recruited to Council.

In brief, all positions will be compared to similar roles within the national public sector or appropriate business sector positions, depending on the nature and focus of the role, when setting the salary range for a position.

Individual remuneration will be based on a combination of job competency and performance delivery, with a strong emphasis on demonstrated competencies.

### **Equal opportunities policy**

Napier City Council is committed to the principle of equal opportunities in the recruitment, employment, training and promotion of its employees and consistently aims to create a workplace that attracts, retains and values diverse employees in a welcoming and positive environment.

To this end, Napier City Council actively works to:

- maintain a workplace free of discrimination and harassment on the basis of race, colour, ethnic or national origin, gender, religion, marital status, family responsibilities, sexual orientation, disability or age,
- select the best person for the job on the basis of the job requirements/competencies and the ability of that person to perform the job,
- identify and provide appropriate training programmes and promotion opportunities,
- recognise the employment aims and aspirations of Māori, the employment requirements of Māori, and the need for greater involvement of Māori in local government, and
- recognise the particular employment requirements of women, workers with disabilities and workers of all ages and contribute towards their successful pursuit of careers with Council.

## 12. KEY PLANNING AND POLICY DOCUMENTS

There are a number of plans that make up Napier City Council's strategic framework. Some plans have a statutory basis, while others are developed to help achieve Council's vision. Each plan has a specific role and objective. Policies are documents which outline Council's approved statements of position, or bases for action.

### Long Term Plan (LTP)

[www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-LTP-2018-28-Final-adopted.pdf](http://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-LTP-2018-28-Final-adopted.pdf)

| Process  | Purpose  | Benefits   |
|--|--|--|
| <p>Council develops a LTP every three years.</p> <p>Council's LTP for the period 2018-2020 was adopted on 29 June 2018.</p> <p>The LTP is a requirement under s93 Local Government Act 2002.</p> | <p>The LTP is Council's key strategic document that sets the long term direction for Council and Napier City. It describes the strategic objectives, programmes, projects, funding information, and performance measures covering a ten year period (30 years for infrastructure).</p> | <p>Community have direct input into this plan, and are consulted via the legislative requirement, in accordance with the Significance and Engagement Policy.</p> |

Supporting documents to the LTP include:

- Infrastructure Strategy
- Financial Strategy
- Asset Management Strategy
- Asset Management Plans
- Financial and Development Contributions Policy
- Significance and Engagement Policy
- City Vision

The LTP contains the following financial policies:

- Revenue and Financing Policy
- Liability Management Policy
- Investment Policy
- Rates Remission Policy
- Rates Postponement Policy
- Policy on Rates Remissions and Rates Postponement on Māori Freehold Land

## Annual Plan

[www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-Annual-Plan-2019-20-Adopted-28.06.2019.pdf](http://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-Annual-Plan-2019-20-Adopted-28.06.2019.pdf)

| Process   | Purpose   | Benefits   |
|---|---|--|
| <p>Council has to prepare and adopt an Annual Plan every year, except in the years where a LTP is prepared.</p> <p>The Annual Plan is essentially a refresh of the information contained in the LTP for that year it relates to.</p> <p>The Annual Plan is a requirement under s95 Local Government Act 2002.</p> | <p>The purpose of an Annual Plan is to:</p> <ul style="list-style-type: none"> <li>• contain the proposed annual budget and funding impact statement for the year to which the annual plan relates</li> <li>• identify any variation from the financial statements and funding impact statement from the LTP for the relevant year</li> <li>• support the LTP in providing integrated decision-making and co-ordination of the resources of the Local Authority, and</li> <li>• contribute to the accountability of the Local Authority to the community</li> </ul> | <p>The Annual Plan outlines what Council intends to invest in over the next financial year in order to meet its vision as outlined in the LTP.</p> |

## Annual Report

<https://www.napier.govt.nz/assets/Document-Library/Reports/Annual-Reports/Annual-Report-2018-19.pdf>

| Process  | Purpose   | Benefits  |
|--|---|---|
| The Annual Report is a legislative requirement under the Local Government Act 2002, and is to be presented to and accepted by the governing body of Council each year. | The purpose of the Annual Report is to outline Council's performance over a financial year from 1 July to 30 June including what was actually delivered versus what was committed to. | The Annual Report promotes accountability to the community that Council has actually delivered what they said they would. |
| The LTP is a requirement under s98 Local Government Act 2002.  | It also contains audited accounts.  |   |

## Napier District Plan

[www.napier.govt.nz/assets/Document-Library/District-Plan/Pre-Plan-Change-10/pre-pc10-district-plan.pdf](http://www.napier.govt.nz/assets/Document-Library/District-Plan/Pre-Plan-Change-10/pre-pc10-district-plan.pdf)

The Napier City District Plan is a legal document prepared under the Resource Management Act 1991 (RMA) which sets out Council's policies and strategies for managing the effects of the use, development and protection of the natural and physical resources of the district now and in the future.

The purpose of the RMA is to promote the sustainable management of natural and physical resources.

The Napier City District Plan became operative in November 2011 after several years of consultation with the public.

A significant project is currently underway to review the District Plan (which is undertaken every 10 years).

## Key Joint Plans and Policies with Other Councils

### Triennial Agreement

The Triennial Agreement is a joint agreement with all other councils in the Hawke's Bay region.

The purpose of the Agreement is to provide a framework for how the councils will engage and work together. It is intended to form a strong foundation to the many existing and potential cooperative and collaborative activities undertaken between the signatory councils.

The Agreement can be updated throughout the Triennium by agreement from all councils, and must be updated and the new agreement adopted by all partner Councils within three months of a local government election.

The current Agreement was adopted by Napier City Council on 30 January 2020 and must be adopted by all the partner Councils by March 2020. It will be available on the website following completion of this process.

### Matariki Hawke's Bay Regional Economic Development Strategy

The strategy, adopted in July 2016, was developed collaboratively between local authorities, tangata whenua, business leaders and government agencies. As well as an economic focus, it now also includes the Hawke's Bay Social Inclusion Strategy of 2018 under a single banner.

Identification and implementation of opportunities and actions under the Strategy are led by the Matariki Governance Group (MGG) formed of the Mayors/ Chairs of the member organisations, and the Executive Steering Group (ESG) formed of the Chief Executives of each member organisation.

The MGG and ESG recognise that sustainable economic success across our region is made possible when we combine health, social, cultural, environmental and business initiatives.

The Strategy and the structure that supports its implementation acknowledge the importance of cross-sector partnerships and providing the leadership required to support economic outcomes for the region of Hawke's Bay.

### Heretaunga Plains Urban Development Strategy (HPUDS)

This is a joint strategy with Hastings District Council and Hawke's Bay Regional Council.

The purpose of the Strategy is to plan for urban growth on the Plains for the period from 2015 to 2045, taking a long-term view of land-use and infrastructure.

Originally adopted in 2010, the Strategy was reviewed in 2016 and submissions were received. The updated Strategy was adopted by Council on 17 May 2017.

### Local Alcohol Policy

The Sale and Supply of Alcohol Act 2012 allows local authorities (councils) to develop a local alcohol policy, which consists of a set of decisions made by a council, or councils jointly, in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol for the area the council/s are responsible for. Once the local alcohol policy is in place, the Council's District Licensing Committee (a requirement under the Sale and Supply of Alcohol Act 2013) and the Alcohol

Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

Napier City Council and Hastings District Council have agreed a joint Local Alcohol Policy, the latest version of which was adopted in 2019.

#### Waste Management and Minimisation Plan

The Waste Management and Minimisation Plan (WMMP) is a requirement under the Waste Minimisation Act 2008; Napier City and Hastings District Councils have a joint Plan which was recently reviewed following a significant joint consultation process. The WMMP contains the agreed overarching vision and action plan to deliver waste minimisation and resource recovery across Napier City and Hastings District, working towards zero waste.

#### Clifton to Tangoio Coastal Hazards Strategy 2120

This Strategy provides a framework to guide and direct the assessment and implementation of preferred options for the long term management of the coasts between Clifton and Tangoio to ensure that the coastal communities, businesses and critical infrastructure are resilient to the effect of coastal hazards.

The Strategy participants are Napier City Council, Hastings District Council, Hawke's Bay Regional Council, and groups representing mana/ tangata whenua are also participants through a joint committee.



## 13. REQUESTING OFFICIAL INFORMATION

### What is Official Information?

The term "official information" refers to all existing information (with a few exceptions) held by a Local Authority. It does not include opinions and information does not have to be generated just to answer a query if it does not already exist. Requests for a person's own information is covered by the Privacy Act 1993.

Any person may request information from the council and any request for information is made under the Act. You do not have to say you are making a request under the Act. Requests will be processed according to the Act. Council must supply the information unless reason exists for withholding it.

Requests must be responded to as soon as practicable and no later than 20 working days (although there are certain circumstances where this time frame may be extended). A response means advising whether Council has determined to release the information requested based on the Act, and if any information is being withheld or the request is being declined in full the reasons under the Act must be provided for this. Information in relation to the request may be provided separately to the response, particularly in the case of larger requests. Council may charge for official information under guidelines set down by the Ministry of Justice.

### Requesting Information

A request should include name, postal or email address and specific details of the information being requested.

Information can be requested in the following ways

**Phone:** 06 835 7579

**Email:** [governance@napier.govt.nz](mailto:governance@napier.govt.nz)

**Online:** <http://www.napier.govt.nz/our-council/about/information-requests/make-a-igoima-request/>

**Post:** Governance Team, C/- Napier City Council, Private Bag 6010, Napier 4142

**In person:** at Council's Customer Service Centre, 215 Hastings Street, Napier

In brief, sections 10, 11, 13 and 15 of the Local Government Official Information and Meetings Act 1987 provide as follows:

- requests should be made with "due particularity"; this means being as specific as possible about what information is being requested (rather than asking for all files about a general topic, which creates a large amount of work),
- it is the duty of Council to assist people making requests,
- Council must convey its decision on whether to grant the request and whether a charge will apply as soon as practicable and no later than 20 working days,

- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt. However, it should be made available in the way preferred by the person requesting it unless there are reasons for not doing so.

### Refusal of a request for information

There are certain instances where Council may refuse to provide all or parts of an official information request. If any or all of a request is refused, Council must give its reasons and advise the person making the request that they have the right to have the decision reviewed by an Ombudsman.

Sections 6, 7, 8 and 17 of the Local Government Official Information and Meetings Act 1987 give the reasons that information may be withheld. Examples include where:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety,
- withholding the information is necessary to:
  - protect privacy
  - protect a trade secret or the commercial position of the person who supplied, or who is the subject of, the information
  - avoid offence to tikanga Māori or avoid disclosure of wāhi tapu locations
  - protect an obligation of confidentiality
  - maintain free and frank discussion or protect elected members and officers from harassment
  - maintain legal professional privilege
  - enable the council to carry out commercial activities or negotiations appropriately

### Charging for official information requests

The Act allows for charges to be set to cover costs of collating information. Council's charges are based on the guidelines of the Ministry of Justice. All of Council's fees and charges are listed in the schedule to the Long Term Plan, available on request from our Council offices.

The first hour for collating information is not charged, then a rate of \$38 per half hour may apply, and the first 20 pages of photocopying are not charged, then a rate of 20 cents per page is applied. Any other materials such as electronic storage devices may be charged at actual cost.

Not all requests will incur charges; each is assessed on a case by case basis. Typically charges may be incurred where a request is for a particularly large amount of information that takes a long time to prepare, or where the same person requests a lot of different things within a small time frame to the extent that the work load in responding is also large.

## 14. CUSTOMER ENQUIRIES

### General contact information

Contact with the Council can be made in the following ways

**Phone:** 06 835 7579

**Email:** [info@napier.govt.nz](mailto:info@napier.govt.nz)

**Online:** <http://www.napier.govt.nz/>

**Post:** Napier City Council, Private Bag 6010, Napier 4142

**In person:** at Council's Customer Service Centre, 215 Hastings Street, Napier

### Service requests and complaints

Service requests and complaints can be made by calling the main customer line or email address, or via the council website:

<http://napier.govt.nz/our-council/about/contact-us/fault-repair/>

Council's complaint policy is located on the website on the following link:

<http://www.napier.govt.nz/assets/Document-Library/Policies/complaints-policy.pdf>

## 15. APPENDIX ONE

### National legislation particularly affecting Napier City Council

- |  |  |
|--|--|
| <p><b>A</b></p> <ul style="list-style-type: none"> <li>• Airport Authorities Act 1966</li> <li>• Animal Identification Act 1993</li> <li>• Animal Welfare Act 1999</li> <li>• Animals Act 1967</li> <li>• Animals Law Reform Act 1989</li> </ul> | <p><b>F</b></p> <ul style="list-style-type: none"> <li>• Fencing of Swimming Pools Act 1987</li> <li>• Financial Markets Conduct Act 2013</li> <li>• Financial Reporting Act 1993</li> <li>• Financial Transactions Reporting Act 1996</li> <li>• Food Act 1981</li> </ul>   |
| <p><b>B</b></p> <ul style="list-style-type: none"> <li>• Biosecurity Act 1993</li> <li>• Building Act 2004</li> <li>• Building Research Levy Act 1969</li> <li>• Burial and Cremation Act 1964</li> <li>• Bylaws Act 1910</li> </ul>             | <p><b>G</b></p> <ul style="list-style-type: none"> <li>• Gambling Act 2003</li> </ul>  |
| <p><b>C</b></p> <ul style="list-style-type: none"> <li>• Citizenship Act 1977</li> <li>• Civil Defence Emergency Management Act 2002</li> <li>• Crimes Act 1961</li> </ul>   | <p><b>H</b></p> <ul style="list-style-type: none"> <li>• Harbours Act 1950</li> <li>• Hazardous Substances and New Organisms Act 1996</li> <li>• Health and Safety at Work Act 2015</li> </ul>   |
| <p><b>D</b></p> <ul style="list-style-type: none"> <li>• Dog Control Act 1996</li> <li>• Dog Control Amendment Act 2003</li> <li>• Dog Control and Hydatids Act 1982</li> </ul>  | <p><b>L</b></p> <ul style="list-style-type: none"> <li>• Litter Act 1979</li> <li>• Local Authorities (Members' Interests) Act 1968</li> <li>• Local Electoral Act 2001</li> <li>• Local Government (Rating) Act 2002</li> <li>• Local Government Act 1974</li> <li>• Local Government Act 2002</li> <li>• Local Government Official Information and Meetings Act 1987</li> <li>• Local Authorities (Members' Interests) Act 1968</li> </ul> |
| <p><b>E</b></p> <ul style="list-style-type: none"> <li>• Electoral Act 1993</li> </ul>   |  |

P

- Public Records Act 2005
- Privacy Act 1993

R

- Rating Valuations Act 1998
- Receiverships Act 1993
- Reserves Act 1977
- Residential Tenancies Act 1986
- Resource Management Act 1991

S

- Sale and Supply of Alcohol Act 2012
- Secret Commissions Act 1910
- Securities Transfer Act 1991
- Smoke-free Environments Act 1990
- Soil Conservation and Rivers Control Act 1941

- Sovereign's Birthday Observance Act 1952
- Stamp and Cheque Duties Act 1971
- Standards Act 1988
- State-Owned Enterprises Act 1986
- Statistics Act 1975
- Statutes Amendment Acts 1936-51
- Statutory Land Charges Registration Act 1928
- Summary Offences Act 1981
- Summary Proceedings Act 1957
- Survey Act 1986

## 16. APPENDIX TWO

### Local legislation

#### (not including that for specific non-Council bodies)

- Hawke's Bay Crematorium Act 1944
- Hawke's Bay Endowment Land Empowering Act 2002
- Napier Borough Endowments Act 1876
- Napier City Council (Land) Empowering Act 1989
- Napier City Council (Sale of Liquor) Empowering Act 1993
- Napier Foreshore Act 1927
- Napier Foreshore Extension Act 1935
- Napier Foreshore Extension Act 1966
- Napier Harbour Board Act 1878
- Napier Harbour Board Amendment and Endowment Improvement Act 1887
- Napier Harbour Board Amendment and Endowment Improvement Act 1899
- Napier Harbour Board Amendment and Endowment Improvement Act 1912
- Napier Harbour Board and Napier Borough Enabling Act 1926
- Napier Harbour Board and Napier Borough Enabling Act 1933

*This version was replaced on 30 August 2016 to make a correction to section 6 under section 25(1)(j)(ii) of the Legislation Act 2012.*

- Napier Harbour Board and Napier Borough Enabling Act 1936
- Napier Harbour Board and Napier Borough Enabling Act 1945
- Napier Harbour Board and Napier City (Inner Harbour) Subdivision Act 1966
- Napier Harbour Board Empowering Act 1932-33
- Napier Harbour Board Loan Act 1906
- Napier Public Baths Act 1908

## 17. APPENDIX THREE

# Napier City Council Governance Structure 2019-2022





| Napier City Council Members of Joint Committees  |   |  |
|--|---|--|
| <b>CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE</b>                                 | <b>HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT JOINT COMMITTEE</b> | <b>HAWKE'S BAY CREMATORIUM COMMITTEE</b>   |
| Deputy Mayor Annette Brosnan<br>Cr Hayley Browne<br>Cr Keith Price<br>Cr Nigel Simpson (alternate) | Mayor Kirsten Wise<br>Cr Nigel Simpson (alternate)                    | Cr Keith Price<br>Cr Greg Mawson   |
| <b>HAWKE'S BAY DRINKING WATER JOINT COMMITTEE</b>  | <b>HAWKE'S BAY REGIONAL TRANSPORT COMMITTEE</b>                       | <b>HERETAUNGA PLAINS URBAN DEVELOPMENT STRATEGY IMPLEMENTATION WORKING PARTY (HPUDS)</b> |
| Cr Nigel Simpson<br>Cr Ronda Chrystal<br>Deputy Mayor Annette Brosnan (alternate)                  | Cr Keith Price<br>Mayor Kirsten Wise (alternate)                      | Cr Sally Crown<br>Cr Ronda Chrystal  |
| <b>JOINT ALCOHOL STRATEGY ADVISORY GROUP</b>   | <b>JOINT WASTE FUTURES PROJECT STEERING COMMITTEE</b>                 | <b>OMARUNUI JOINT REFUSE LANDFILL COMMITTEE</b>  |
| Cr Sally Crown<br>Cr Greg Mawson   | Deputy Mayor Annette Brosnan<br>Cr Api Tapine<br>Cr Richard McGrath   | Cr Richard McGrath<br>Cr Api Tapine<br>Deputy Mayor Annette Brosnan (alternate)          |
| <b>REGIONAL CYCLING GOVERNANCE GROUP</b>   | <b>TE KOMITI MURIWAI O TE WHANGA</b>                                  |  |
| Cr Graeme Taylor<br>Cr Greg Mawson   | Cr Api Tapine   |  |
| External Appointments  |   |  |
| <b>AHURIRI BUSINESS ASSOCIATION INCORPORATED</b>   | <b>AHURIRI ESTUARY PROTECTION SOCIETY – COMMITTEE</b>                 | <b>ART DECO TRUST</b>  |
| Cr Hayley Browne   | Cr Api Tapine   | Cr Tania Wright  |
| <b>CREATIVE ARTS NAPIER</b>  | <b>CREATIVE COMMUNITIES COMMITTEE</b>                                 | <b>HAWKE'S BAY HOLT PLANETARIUM CHARITABLE TRUST</b>                                     |
| Cr Tania Wright  | Cr Tania Wright<br>Cr Ronda Chrystal                                  | Cr Greg Mawson   |
| <b>HAWKE'S BAY MEDICAL RESEARCH FOUNDATION INCORPORATED</b>  | <b>HAWKE'S BAY SPORTS COUNCIL</b>                                     | <b>HISTORIC PLACES HAWKE'S BAY INCORPORATED</b>  |
| Helen Francis (external)   | Cr Keith Price  | Cr Hayley Browne   |
| <b>MAYOR'S TASKFORCE FOR JOBS</b>  | <b>NAPIER CITY BUSINESS INC.</b>                                      | <b>NAPIER CITY PILOT TRUST</b>   |
| Mayor Kirsten Wise   | Cr Sally Crown  | Cr Richard McGrath   |
| <b>NAPIER DISABILITY ADVISORY GROUP</b>  | <b>PORT NOISE LIAISON COMMITTEE</b>                                   | <b>POSITIVE AGEING TRUST</b>   |
| Cr Greg Mawson   | Cr Keith Price<br>Cr Hayley Browne                                    | Cr Greg Mawson   |
| <b>PUKEMOKIMOKI MARAE TRUST</b>  | <b>ROTARY PATHWAY TRUST</b>   | <b>TARADALE BUSINESS ASSOCIATION</b>   |
| Cr Hayley Browne   | Cr Graeme Taylor  | Cr Nigel Simpson   |

## PORTFOLIOS

| Portfolio  | Appointee                    | Associated body of Council         |
|--|------------------------------|------------------------------------|
| Māori partnerships   | Mayor Kirsten Wise           | Council                            |
| Matariki Regional Development  | Councillor Ronda Chrystal    | Future Napier Committee            |
| Three Waters   | Councillor Nigel Simpson     | Sustainable Napier Committee       |
| Housing<br>(including transitional housing, affordable housing, partnership with Housing NZ, homelessness)   | Councillor Maxine Boag       | Napier People and Places Committee |
| Sport and Recreation   | Councillor Graeme Taylor     | Napier People and Places Committee |
| Community Resilience   | Councillor Hayley Browne     | Napier People and Places Committee |
| Climate Change and Coastal Hazards   | Deputy Mayor Annette Brosnan | Future Napier Committee            |
| Child Friendly City  | Councillor Richard McGrath   | Napier People and Places Committee |
| Environment and Sustainability<br>(waste minimisation, carbon neutrality, water conservation, zero emissions, urban ecology and biodiversity, open space and parks, cemeteries, Ahuriri Estuary) | Councillor Api Tapine        | Sustainable Napier Committee       |
| Positive Ageing, Diversity and Accessibility   | Councillor Greg Mawson       | Napier People and Places Committee |
| Arts, Culture and Heritage   | Councillor Tania Wright      | Napier People and Places Committee |

|  |                               |                                     |
|--|-------------------------------|-------------------------------------|
| <p>Prosperous City</p> <p>(brand, destination marketing, economic activation, events, sponsorship, community engagement, business attraction, sister city relationships)</p> | <p>Councillor Sally Crown</p> | <p>Future Napier Committee</p>      |
| <p>Transportation</p> <p>(traffic mgmt, transport connection, cycling, Napier Port connection, road safety and community engagement relating to the above)</p>               | <p>Councillor Keith Price</p> | <p>Sustainable Napier Committee</p> |

## BODIES OF COUNCIL

### COUNCIL

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|                           |  |
|---------------------------|--|
| <i>Chairperson</i>        | <i>Her Worship Mayor Kirsten Wise</i>    |
| <i>Deputy Chairperson</i> | <i>Deputy Mayor Annette Brosnan</i>      |
| <i>Membership</i>         | <i>All elected members</i>               |
| <i>Quorum</i>             | <i>7</i>                                 |
| <i>Meeting frequency</i>  | <i>At least 6 weekly and as required</i> |
| <i>Executive</i>          | <i>Chief Executive</i>                   |

#### Role

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body<sup>16</sup>:

- The power to make a rate
- The power to make a bylaw
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- The power to adopt a long-term plan, annual plan, or annual report
- The power to appoint a chief executive
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement, including the 30-Year Infrastructure Strategy.
- The power to adopt a remuneration and employment policy.
- The power to establish a joint committee with another local authority or other public body<sup>17</sup>.
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
- The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
- The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.<sup>18</sup>

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<sup>16</sup> Numbers 1-7 refer to Schedule 7, Clause 32. Local Government Act 2002.

<sup>17</sup> Schedule 7, Clause 30A.

<sup>18</sup> Shop Trading Hours Act 1990, Section 5D.

**Delegations**

The Council retains all decision making authority, and will consider the recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders<sup>19</sup>.
3. Approval or amendment the Code of Conduct for Elected Members<sup>20</sup>.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies<sup>21</sup>.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor)<sup>22</sup>.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly<sup>23</sup>.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.

**Aligned Portfolios**

- Māori/ iwi partnerships

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<sup>19</sup> Schedule 7, Clause 27,

<sup>20</sup> Schedule 7, Clause 15,

<sup>21</sup> Schedule 7, Clause 30,

<sup>22</sup> Schedule 7, Clause 30,

<sup>23</sup> Local Electoral Act 2001, Section 19H.

## STANDING COMMITTEES

### Napier People and Places Committee

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|                           |  |
|---------------------------|--|
| <i>Reports To</i>         | <i>Council</i>                           |
| <i>Chairperson</i>        | <i>Councillor Maxine Boag</i>            |
| <i>Deputy Chairperson</i> | <i>Councillor Tania Wright</i>           |
| <i>Membership</i>         | <i>All elected members</i>               |
| <i>Quorum</i>             | <i>7</i>                                 |
| <i>Meeting frequency</i>  | <i>At least 6 weekly and as required</i> |
| <i>Executive</i>          | <i>Director Community Services</i>       |

#### Role

To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation. The Committee also adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community.

To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, community resilience, and sport and recreation.

#### Delegations

1. Review and make recommendations to Council on policy regarding community services and grants
2. Review and make recommendations to Council on key strategies including for positive ageing, youth, accessibility and community resilience
3. Consider and make recommendations to Council on matters related to community projects and facilities
4. Consider and make recommendations to Council on matters in relation to community housing and associated wellbeing
5. Consider and make recommendations to Council on community feedback surveys and reports, and identify potential impacts for the Council and communities in Napier
6. Provide governance and oversight for Council's contributions to Napier events and tourism including liaison with entities such as Hawke's Bay Tourism
7. Provide governance for visitor experiences, sport and recreation, and facility related operations
8. Receive and make recommendations to Council on general external-facing policy and strategy updates
9. Oversee compliance with conditions of Council grants made to outside organisations and all community funding initiatives including Creative New Zealand funding
10. Consider reports from the Arts Advisory Panel, Grants Sub Committee, Creative Communities NZ Assessment external committee, and any other arts, culture and heritage related organisations where Council is represented
11. Monitor and report on social and cultural needs of the community and its impact on Council and communities in Napier
12. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

**Aligned Portfolios**

- Housing
- Sport and recreation
- Community resilience
- Child Friendly City
- Positive aging, diversity and multiculturalism
- Arts, culture and heritage



**Prosperous Napier Committee**


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|                           |  |
|---------------------------|--|
| <i>Reports To</i>         | <i>Council</i>                           |
| <i>Chairperson</i>        | <i>Councillor Graeme Taylor</i>          |
| <i>Deputy Chairperson</i> | <i>Councillor Sally Crown</i>            |
| <i>Membership</i>         | <i>All elected members</i>               |
| <i>Quorum</i>             | <i>7</i>                                 |
| <i>Meeting frequency</i>  | <i>At least 6 weekly and as required</i> |
| <i>Officer in Charge</i>  | <i>Director Corporate Services</i>       |

**Role**

To provide governance to the corporate business of the Council, monitor the Council's financial position and financial performance against the LTP and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

**Delegations**

1. Govern Council's involvement with CCOs and COs, including to
  - undertake any reviews of CCO's including their governance arrangements, and make recommendations to Council
  - monitor the overall performance of CCO's, and make recommendations to Council
  - consider and make recommendations to Council on the Statements of Intent of Council's CCOs.
2. Provide policy and governance direction on funding and rating matters
3. Receive and make recommendations to Council in relation to the adoption of Annual Reports
4. Receive and make recommendations to Council on general external-facing policy and strategy updates
5. Provide governance to Council's property operations and consider related policy, making recommendations to Council.
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control.
7. Consider applications for the sale of properties within the Leasehold Land Portfolio and make recommendations to Council.

**Sustainable Napier Committee**


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|                           |  |
|---------------------------|--|
| <i>Reports To</i>         | <i>Council</i>                           |
| <i>Chairperson</i>        | <i>Councillor Keith Price</i>            |
| <i>Deputy Chairperson</i> | <i>Councillor Nigel Simpson</i>          |
| <i>Membership</i>         | <i>All elected members</i>               |
| <i>Quorum</i>             | <i>7</i>                                 |
| <i>Meeting frequency</i>  | <i>At least 6 weekly and as required</i> |
| <i>Executive</i>          | <i>Director Infrastructure Services</i>  |

**Role**

To provide governance to city infrastructure including three waters, parks, and waste management, taking into consideration environmental, social, cultural and economic factors.

**Delegations**

1. Review and make recommendations to Council on policy regarding the provision of Council's infrastructural assets, facilities, and services, including but not limited to:
  - Three waters
  - Parks, reserves and sportsgrounds
  - Waste management and minimisation
  - Property
  - Transport and roading
  - Cemeteries
2. Consider and make recommendations to Council on matters related to infrastructure and service related projects and facilities
3. Consider and make recommendations to Council on matters related to asset management
4. To consider any reports from infrastructure related joint committees and business units, including Lagoon farm and Redclyffe transfer station
5. Receive and make recommendations to Council on general external-facing policy and strategy updates
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

**Aligned Portfolios**

- Three waters
- Environment and sustainability
- Transportation

**Future Napier Committee**


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|                           |  |
|---------------------------|--|
| <i>Reports To</i>         | <i>Council</i>                           |
| <i>Chairperson</i>        | <i>Deputy Mayor Annette Brosnan</i>      |
| <i>Deputy Chairperson</i> | <i>Councillor Api Tapine</i>             |
| <i>Membership</i>         | <i>All elected members</i>               |
| <i>Quorums</i>            | <i>7</i>                                 |
| <i>Meeting frequency</i>  | <i>At least 6 weekly and as required</i> |
| <i>Executive</i>          | <i>Director City Strategy</i>            |

**Role**

The purpose of this Committee is to provide governance to the town planning and regulatory functions of Council, including future planning and strategy.

**Delegations**

1. Provide governance for and make recommendations to Council on District and town planning and development matters
2. Provide governance for and make recommendations to Council on regulatory policy and functions of Council
3. Provide governance for and make recommendations to Council on planning related environmental policy and functions of Council
4. Provide governance for and make recommendations to Council on policy relating to sustainable economic development
5. To hear submissions and make recommendations to Council on:
  - Bylaws
  - Any regulatory policy in accordance with legislative requirements
 noting that most hearings are the delegated responsibility of the Hearings Committee and the Terms of reference of that Committee should be read in conjunction.
6. Provide policy and governance direction on the District Plan process, and make recommendations to council.
7. To initiate policy statements or plans, or any changes or reviews of policy statements or plans, as may required in line with the Resource Management Act.
8. Consider and make recommendations to Council on matters related to city development related projects and strategies
9. Consider and make recommendations to Council in relation to road stopping and approve the temporary closure of any road.
10. Consider and make recommendations to Council in relation to environmental protection and sustainable practices throughout Council
11. Ensure that Council meets all compliance requirements relating to its regulatory responsibilities.
12. Receive and make recommendations to Council on general external-facing policy and strategy updates
13. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

**Aligned Portfolios**

- Matariki Regional Development
- Prosperous City
- Climate Change and Coastal Hazards

## SPECIALIST COMMITTEES

### MĀORI COMMITTEE

|                     |   |
|---------------------|---|
| Chairperson         | Add – to be discussed with represented organisations                            |
| Deputy Chairperson  | Add – to be discussed with represented organisations                            |
| Membership          | Mayor of Napier   |
|                     | Te Taiwhenua o Te Whanganui-a-Orotū representative                              |
|                     | Mana Ahuriri Trust representative   |
|                     | Maungaharuru Tangitū Trust representative                                       |
|                     | Maraenui and Districts Māori Committee representative                           |
|                     | Ngāti Pārau Hāpu Trust representative   |
|                     | Note: Council's Hākoro and Hākuī may attend meetings but are not voting members |
| Quorum              | 3   |
| Meeting frequency   | At least monthly and as required  |
| Officer responsible | Director Community Services, Pou Ārahi  |

#### Role

This committee is to facilitate Māori contribution to Council decision making processes as per the Local Government Act 2002.

#### Delegations

1. To discuss and provide feedback to Council on projects, activities and events of Council, on behalf of the Māori communities of Napier.
2. To make recommendations to Council on ways tikanga, kaupapa and reo can meaningfully be incorporated into Council projects, activities and events.
3. To raise to Council for consideration and discussion matters of import to the Māori communities of Napier.
4. To provide feedback to Council on ways that relationship and capability to engage on Council-related matters can be built with and within the Māori communities of Napier.

#### Notes

Members of the Māori Consultative Committee may be invited to attend Council seminars/workshops and standing committee meetings as appropriate.

#### Remuneration

External appointees are paid \$400 per meeting

**HEARINGS**


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|                           |   |
|---------------------------|---|
| <i>Chairperson</i>        | <i>Deputy Mayor Annette Brosnan</i>   |
|                           | <i>Note that an Independent Commissioner may be appointed by the Committee to Chair Hearings in relation to the District Plan</i> |
| <i>Deputy Chairperson</i> | <i>Councillor Graeme Taylor</i>   |
| <i>Membership</i>         | <i>Her Worship the Mayor Kirsten Wise</i>   |
|                           | <i>Councillor Tania Wright</i>  |
|                           | <i>Councillor Apiata Tapine</i>   |
| <i>Quorum</i>             | <i>3</i>  |
| <i>Meeting frequency</i>  | <i>As required</i>  |
| <i>Officer in Charge</i>  | <i>Director City Strategy and Director Infrastructure Services</i>  |

**Role**

To conduct fair and effective Hearings and make determinations on a range of the Council's quasi-judicial functions under legislation (and other matters as referred to the Committee). In practice, some matters are referred to Commissioners appointed under the Resource Management Act.

**Delegations**

The Hearings Committee is granted responsibility and full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements. The Committee may decide to refer a matter to Council accompanied by recommendations where it deems the significance of the decision or its implications warrant it.

The Hearings Committee will hear and make determination on statutory and or regulatory matters under relevant legislation unless otherwise delegated by statute or Council, including (but without limitation):

- District Plan
  - Hear and make determination on submissions and objections to the Napier City District Plan Review and any changes or variations proposed to that Plan.
  - The Committee may decide to refer the matter to Council accompanied by recommendations, in a situation where:
    - the District Plan will be significantly altered as a result of submissions,
    - any decision on the District Plan will have a significant impact outside the District Plan on other Council policies, particularly rating levels or fees and charges, and
    - the Council will need to consider making a variation or change to the District Plan.

- Tenders
  - Consider and decide tenders for the supply of goods and services to the Council, where tenders exceed the Chief Executive's delegated authority.
- Resource consents
  - Hear and determine notified resource consents applications and any challenges to conditions of consents.
- Challenges to decisions made under delegated authority where legislation allows
- Objections under the Dog Control Act
- Matters regarding drainage and works on private land under the Local Government Act 2002.

## AUDIT AND RISK

|                           |  |
|---------------------------|--|
| <i>Chairperson</i>        | <i>External independent appointee<br/>(at time of 2019 adoption John Palairet)</i>   |
| <i>Deputy Chairperson</i> | <i>N/A</i>   |
| <i>Membership</i>         | <i>Her Worship the Mayor Kirsten Wise<br/>Deputy Chair of Sustainable Napier Committee:<br/>Councillor Nigel Simpson<br/>Chair of Prosperous Napier Committee:<br/>Councillor Graeme Taylor<br/>External independent appointee – Local Govt expert:<br/>At time of adoption John Palairet<br/>External independent appointee – Finance expert:<br/>At time of adoption David Pearson</i> |
|                           | <i>Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.</i>   |
| <i>Quorum</i>             | <i>3<br/>One of which is an external appointee</i>   |
| <i>Meeting frequency</i>  | <i>At least quarterly and further as required</i>  |
| <i>Officer in Charge</i>  | <i>Director Corporate Services</i>   |

### Role

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter (see version at time of adoption below).

### Delegations

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter.

The Committee can make recommendations to Council or the Chief Executive as appropriate.



| Audit and Risk Committee Charter |                           |                      |                   |
|----------------------------------|---------------------------|----------------------|-------------------|
| Approved by                      | Council                   |                      |                   |
| Department                       | Corporate Services        |                      |                   |
| Original Approved Date           | 18 September 2018         | Review Approval Date | 18 September 2018 |
| Next Review Deadline             | 18 September 2020         | Document ID          | 325090            |
| Relevant Legislation             | Local Government Act 2002 |                      |                   |
| NCC Documents Referenced         | Code of Ethics            |                      |                   |

### Objective

The objective of the Audit and Risk Committee (the Committee) is to provide independent, objective assurance and assistance to the Napier City Council (the Council) on the Council's governance, risk management, internal control and compliance frameworks, and its external accountability responsibilities.

### Authority

The Napier City Council, at its meeting on 2 November 2016, re-established the Audit and Risk Committee for the 2016-19 triennial. The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including the Chief Executive, the Director of Corporate Services and the Chief Financial Officer at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

### Composition and Tenure

The Committee will consist of five members appointed by the Council. These must include the Mayor, the Chair of the Finance Committee and the Deputy Chair of the Finance Committee (or other nominated person). The Council will also select two independent members.

The Napier City Council will appoint the chairperson of the Committee.

Members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, after a formal review of their performance.

Council representatives on the Committee will carry out their duties as outlined in the Charter, recognising the difference in role of the Committee compared to Councillor community advocate.

The Chief Executive, the Director of Corporate Services and the Chief Financial Officer will not be members of the Committee, but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one independent member of the Committee should have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment.

#### Role and Responsibilities

The Committee has no executive powers and will conduct itself in accordance with the values and ethics of the Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of the Council rests with the Chief Executive.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Napier City Council from time to time.

#### Risk Management

The Committee's responsibilities are to:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of Napier City Council's financial and business risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the effect of the Council's risk management framework on its control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing the Council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review the Council's internal controls in relation to preventing fraud and satisfy itself that the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information and to ensure appropriate action is taken against known perpetrators of fraud.

#### Control Framework

The Committee's responsibilities are to:

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisers, is sound and effective;
- review whether management has in place relevant policies and procedures, and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;
- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls; and

- review whether management has taken steps to embed a culture which is committed to ethical and lawful behavior.

#### External Accountability

The Committee's responsibilities are to:

- review the financial statements and provide advice to the Council, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- satisfy itself that the financial statements are supported by appropriate management sign-off on the statements and on the adequacy of the systems of internal controls;
- review the processes in place designed to ensure that financial information included in the Council's annual report is consistent with the signed financial statements;
- review the processes and risk assessment are in place for the development and adoption of the Council's Long Term Plan;
- satisfy itself that the Council has appropriate mechanisms in place to review and implement, where appropriate, relevant external audit reports and recommendations; and
- satisfy itself that the Council has a performance management framework that is linked to organisational objectives and outcomes.

#### Legislative Compliance

The Committee's responsibilities are to:

- determine whether management has appropriately considered legal and compliance risks as part of the Council's risk assessment and management arrangements; and
- review the effectiveness of the system for monitoring the Council's compliance with relevant laws, regulations, and associated government policies.

#### Internal Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- review the internal audit coverage and annual work plan, ensure that the plan is based on the Council's risk management plan, and recommend approval of the plan on behalf of the Council;
- advise the Mayor and Chief Executive on the adequacy of resources to carry out the internal audit, including completion of the approved internal audit plan;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions;
- review all audit reports and provide advice to the Council on significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of good practice;
- monitor management's implementation of the internal auditor's recommendations;
- review the internal audit charter to ensure that appropriate organisational structures, authority, access, and reporting arrangements are in place;
- provide advice to the Council on the appointment of the Head of Internal Audit (in the case

of an in-house internal audit function);

- recommend the appointment of the internal auditor;
- periodically review the performance and effectiveness of the internal auditor; and
- be satisfied that any dismissal of the Head of Internal Audit is based on proper and appropriate reasons, to safeguard the independence of the audit function.

#### External Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- provide input and feedback on the financial statements and the audit coverage proposed by the external auditor, and provide feedback on the audit services provided;
- review all external plans and reports for planned or completed audits and monitor management's implementation of audit recommendations;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions; and
- provide advice to the Council and Chief executive on action taken on significant issues raised in relevant external audit reports and good practice guides.

#### Governance

##### Responsibilities of Committee Members

Members of the Committee are expected to:

- contribute the time needed to study and understand the papers provided;
- apply good analytical skills, objectivity, and good judgment; and
- express opinions frankly, ask questions that go to the core of the issue, and pursue independent lines of enquiry.

##### Reporting

The Committee will regularly, but at least once a year, report to the Council on its operation and activities during the year. The report should include:

- a summary of the work the Committee performed to fully discharge its responsibilities during the preceding year;
- a summary of the Council's progress in addressing the findings and recommendations made in internal and external audit reports, and the Auditor-General's reports (if applicable);
- an overall assessment of the Council's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes; and
- details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.

The Committee may, at any time, report to the Chief Executive or the Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive or the Council.

## Administrative Arrangements

### Meetings

The Committee will meet at least four times each year. A special meeting may be held to review the annual report.

The Chairperson is required to call a meeting if requested to do so by the Council, Chief Executive or another Committee member.

A meeting plan, including dates and agenda items, will be agreed by the Committee each year. The meeting plan will cover all of the Committee's responsibilities as detailed in this charter.

### Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members including at least one independent member.

Meetings can be held in person, by telephone, or by video conference.

The Head of Internal Audit and external audit representatives will be invited to attend each meeting, unless requested not to do so by the Chairperson of the Committee.

The Chief Executive may be invited to attend Committee meetings to participate in specific discussions or provide strategic briefings to the Committee. The Committee may also ask other employees to attend Committee meetings or participate for certain agenda items.

The Committee will meet separately with both the internal and external auditors at least once a year.

### Secretariat

The Chief Executive will appoint a person to provide secretariat support to the Committee. The Secretariat will ensure that the agenda for each meeting and supporting papers are circulated, after approval from the Chairperson, at least one week before the meeting, and ensure that the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated within two weeks of the meeting to each member and Committee observers, as appropriate.

### Conflicts of Interest

Once a year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately recorded in the minutes.

Where any member is deemed to have a real, or perceived, conflict of interest at a Committee meeting, it may be appropriate that they are excused from Committee deliberations on the issue where the conflict of interest exists.

## Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

## Assessment Arrangements

The Chairperson of the Committee, in consultation with the Mayor, will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Mayor) with appropriate input

sought from the Chief Executive, the internal and external auditors, management, and any other relevant stakeholders, as determined by the Mayor in discussion with the chairperson of the Committee.

#### Review of Charter

At least once every 2 years, the Committee will review this charter. This review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.

#### Policy Review

The review timeframe of this policy will be no longer than every two years.



**CHIEF EXECUTIVE CONTRACT COMMITTEE**


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|                            |   |
|----------------------------|---|
| <i>Chairperson</i>         | <i>Her Worship the Mayor Kirsten Wise</i>   |
| <i>Deputy Chairperson</i>  | <i>Deputy Mayor Annette Brosnan</i>   |
| <i>Membership</i>          | <i>Councillor Graeme Taylor</i>   |
|                            | <i>Councillor Tania Wright</i>  |
|                            | <i>Councillor Apiata Tapine</i>   |
|                            | <i>Councillor Nigel Simpson</i>   |
|                            | <i>This Committee has the power to co-opt members from the Council as the Chair determines necessary.</i> |
| <i>Quorum</i>              | <i>3</i>  |
| <i>Meeting frequency</i>   | <i>As required</i>  |
| <i>Officer responsible</i> | <i>Team Leader Governance</i>   |

**Role**

To review the performance of the Chief Executive and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

**Delegations**

The Chief Executive Contract Committee has the responsibility and the authority to:

- 1) Establish a Success Agreement with the Chief Executive covering success factors for the year.
- 2) Agree annual performance objectives aligned to the Success Agreement with the Chief Executive.
- 3) Undertake a 6 monthly review of progress against the Success Agreement and associated annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
- 4) Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
- 5) Conduct and complete a review of employment under Clause 35, Schedule 7, of the Local Government Act 2002, and make a recommendation to Council under Clause 34, Schedule 7.
- 6) Under the annual remuneration review and make decisions regarding remuneration.
- 7) Act as Council's agent in all matters pertaining to the employment contract of the Chief Executive including any issues which may arise in respect of the job description, agreement, performance objectives or other similar matters.
- 8) Oversee any recruitment and selection process for a Chief Executive (a decision on appointment must by law be made by the Council), initiate any improvements to the employment contract, and undertake negotiations on Council's behalf.
- 9) To consider and propose to Council, training of the Chief Executive as necessary.



**DISTRICT LICENSING COMMITTEE**


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|                           |  |
|---------------------------|--|
| <i>Chairperson</i>        | <i>External Commissioner appointed by recruitment</i><br><i>Stuart Hylton – as of 27 Feb 2020</i>  |
| <i>Deputy Chairperson</i> |  |
| <i>Membership</i>         | <i>List members 2019-2022: - as of 27 Feb 2020</i><br><i>David Fellows</i><br><i>Ross Pinkham</i><br><i>Faye White</i><br><i>Councillor Keith Price</i><br><i>Councillor Graeme Taylor</i> |
| <i>Quorum</i>             | <i>3</i>   |
| <i>Meeting frequency</i>  | <i>As required</i>   |
| <i>Office Responsible</i> | <i>Director City Strategy</i>  |

**Role**

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012. The Act requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

Although the District Licensing Committee in Napier City is a committee of Council and receives Council administrative support, it primarily operates as a decision making body without the influence of Council.

An independent Commissioner chairs Napier City District Licensing Committee and the members are a mix of appointed councillors and suitably qualified lay-persons.

**Delegations**

The functions of the District Licensing Committee is specified by the Act<sup>24</sup> and include:

1. to consider and determine applications for licences and manager's certificates,
2. to consider and determine applications for renewal of licences and manager's certificates,
3. to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
4. to consider and determine applications for the variation, suspension, or cancellation of special licences,
5. to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
6. with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,

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<sup>24</sup> Section 187, Sale and Supply of Alcohol Act 2012.

7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and
8. any other functions conferred on licensing committees by or under this Act or any other enactment.

The committee may make recommendations to Council.

**Chair's delegation**

When no objection to an application has been received (for a licence, manager's certificate, or renewal of a license or manager's certificate), and no matters of opposition have been raised under section 103, 129 or 141, the Chair has the delegation to decide on the papers and issue decisions on such applications.

## SUB-COMMITTEES and ADVISORY PANELS

### GRANTS SUB-COMMITTEE

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|                           |   |
|---------------------------|---|
| <i>Reports to</i>         | <i>Napier People and Places Committee</i>   |
| <i>Chairperson</i>        | <i>Councillor Maxine Boag</i>   |
| <i>Deputy Chairperson</i> | <i>N/A</i>  |
| <i>Membership</i>         | <i>2 Napier City Council representatives:</i><br><i>Councillor Apiata Tapine</i><br><i>Councillor Ronda Crystal</i><br><b><i>External Membership</i></b><br><i>4 Community Representatives</i><br><i>G Hansen</i><br><i>J Lamburn</i><br><i>K Simons</i><br><i>A Williams</i> |
| <i>Quorum</i>             | 3<br><i>Half the members (including vacancies)</i>  |
| <i>Meeting frequency</i>  | <i>Meeting frequency set annually</i>   |
| <i>Officer in Charge</i>  | <i>Director Community Services</i>  |

#### Role

This committee reports to the Community Services Committee.

#### Delegations

1. To allocate grants in accordance with Council procedures.
2. To make recommendations to the Napier People and Places Committee to approve Grants.
3. To make recommendations to the Napier People and Places Committee on adding performance criteria and conditions on grants.

#### Remuneration:

Community representatives are paid \$400 per meeting.

**ARTS ADVISORY PANEL**


---

|                           |   |
|---------------------------|---|
| <i>Reports to</i>         | <i>Napier People and Places Committee</i>   |
| <i>Chairperson</i>        | <i>Councillor Tania Wright</i>  |
| <i>Deputy Chairperson</i> | <i>N/A</i>  |
| <i>Membership</i>         | <i>Add</i>  |
|                           | <b><i>External Membership</i></b>   |
|                           | <i>1 representative from:</i>   |
|                           | <i>Art Deco Trust</i>   |
|                           | <i>Napier Arts Community Practitioner</i>   |
|                           | <i>Creative Arts Napier Inc.</i>  |
|                           | <i>MTG</i>  |
|                           | <i>Māori/Iwi</i>  |
|                           | <i>Secondment of Design Group Representative as required: a member of an existing Design Group should be seconded onto the Panel when the Panel has to consider one off art work in public places or part of the urban development relating to the Design Group's area of interest.</i> |
| <i>Quorum</i>             | <i>3</i>  |
| <i>Meeting frequency</i>  | <i>As required</i>  |
| <i>Officer in Charge</i>  | <i>Director Community Services</i>  |

**Role**

1. To make recommendations to Council on the suitability of one-off art installations for a particular location giving considerations to the uniqueness of the community into which it is to be installed, and the heritage and cultural values of the site.
2. To assess and ensure that the potential art installation is aligned with the objectives and policies as set out in Napier City Council's Arts Policy.

**Notes:**

This panel will not replace or supersede the existing design groups across the city such as the West Quay/Ahuriri Design Group for the Ahuriri area and any group established under the CBD Design Guide or any other newly established Council design groups.

All potential art in public places being considered by an existing Design Group either as a one off artwork or part of the urban development in their location of interest must be referred to the Arts Advisory Panel for advice. The Arts Advisory Panel meet as required to coincide with the appropriate Council meeting to assess proposals and submit recommendations. Members are volunteers.

**INTERNAL PANELS**

| <b>Panel</b>  | <b>Appointee(s)</b>   | <b>Notes</b>                              |
|---|---|---|
| Earthquake Survivors Afternoon Organising Committee | Required: Elected member x 2<br><br>Deputy Mayor Annette Brosnan<br>Councillor Ronda Chrystal         | Annual event Sunday closest to 3 February |
| Napier Civic Awards Panel                           | Required: Mayor (or nominee), Elected member x 2<br><br>Mayor<br>Councillor Wright<br>Councillor Boag | Annual event first Wednesday in September |

## JOINT COMMITTEES

| Committee   | Appointees   | Notes  |
|---|--|--|
| Clifton to Tangoio Coastal Hazards Strategy Joint Committee                       | Required: Elected member x 3 (alternate recommended)<br><br>Deputy Mayor Annette Brosnan<br>Councillor Hayley Browne<br>Councillor Keith Price<br>Councillor Nigel Simpson (alternate) | Hawke's Bay Regional Council is the administering body.  |
| Hawke's Bay Civil Defence Emergency Management Joint Committee                    | Required: Mayor and alternate<br><br>Mayor Kirsten Wise<br><br>Councillor Nigel Simpson (alternate)  | Required by statute under the Civil Defence Emergency Management Act 2002.   |
| Hawke's Bay Crematorium Committee   | Required: Elected member x 2<br><br>Councillor Keith Price Councillor Greg Mawson  | Hastings District Council is the administering body.   |
| Hawke's Bay Drinking Water Joint Committee  | Required: Elected member x 2 (alternate recommended)<br><br>Councillor Nigel Simpson<br>Councillor Ronda Chrystal<br>Deputy Mayor Annette Brosnan (alternate)                          | Hawke's Bay Regional Council is the administering body.<br>(established August 2017)   |
| Hawke's Bay Regional Transport Committee  | Required: Elected member x 1 (alternate recommended)<br><br>Councillor Keith Price<br>Mayor Kirsten Wise (alternate)   | Established in accordance with Section 105 of the Land Management Transport Act 2003 as soon as practicable after a triennial election.<br>Hawke's Bay Regional Council is the administering body. |
| Heretaunga Plains Urban Development Strategy Implementation Working Party (HPUDS) | Required: Elected member x 2<br><br>Councillor Sally Crown<br>Councillor Ronda Chrystal  |  |

|  |   |   |
|--|---|---|
| Joint Alcohol Strategy Advisory Group          | Required: Elected member x 2<br><br>Councillor Sally Crown<br>Councillor Greg Mawson  |   |
| Joint Waste Futures Project Steering Committee | Required: Elected member x 3<br><br>Deputy Mayor Annette Brosnan<br>Councillor Api Tapine<br>Councillor Richard McGrath                                     | Hastings District Council is the administering body.  |
| Omarunui Joint Refuse Landfill Committee       | Required: Elected member x 2 (alternate recommended)<br><br>Councillor Richard McGrath<br>Councillor Api Tapine<br>Deputy Mayor Annette Brosnan (alternate) | Hastings District Council is the administering body.  |
| Regional Cycling Governance Group              | Required: Elected member x 1 (alternate recommended)<br><br>Councillor Graeme Taylor<br>Councillor Greg Mawson (alternate)                                  | Hawke's Bay Regional Council is the administering body.   |
| Te Komiti Muriwai o Te Whanga                  | Required: Elected member x 1<br><br>Councillor Apiata Tapine  | Napier City Council is the administering body.<br>This is a co-governance entity established through the passing of the Ahuriri Hapū Claims Settlement Bill |



**COUNCIL CONTROLLED ORGANISATIONS (CCOs)**

Part 5 of the Local Government Act 2002, outlines requirements for Local Authorities to follow in utilising council organisations, including establishing a council organisation, appointment of Directors, and monitoring and reporting requirements. Council-controlled organisations are subject to Parts 1-6 of the Local Government Official Information and Meetings Act 1987.

A council-controlled organisation (CCO) must deliver the following documents to the local authority:

- Half-yearly report (within 2 months after the end of the first half of each financial year),
- Annual report (within 3 months after the end of each financial year),
- Statement of Intent.

A Local Authority must have a policy for appointing a Director to a CCO including:

- Identification and consideration of the skills, knowledge, and experience required of directors of a council organisation,
- The appointment of directors to a council organisation,
- The remuneration of directors of a council organisation.

| Council Controlled Organisation | Appointee(s)  | Notes   |
|---------------------------------|---|---|
| Hawke's Bay Museums Trust       | Required:<br>Elected member x 1<br><br>Councillor<br>Tania Wright | <p>The objectives of the Trust are to:</p> <ul style="list-style-type: none"> <li>• Hold and protect the regional collection for the people of Hawke's Bay and to provide storage and protection for the collection,</li> <li>• Advance and promote the Arts in New Zealand and particularly in Hawke's Bay,</li> <li>• Promote a sense of history and an awareness of the importance of the nation's heritage in New Zealand and particularly in Hawke's Bay,</li> <li>• Provide an exhibition policy and to oversee the maintenance, risk management and quality of the regional collection through a contract for services with the Napier City Council,</li> <li>• Regulate and approve the disposal of collection items, and</li> <li>• Administer the bequests held by the Hawke's Bay Museums Trust.</li> </ul> <p>The Trust is a Council-Controlled Organisation as three of the five-member board are Council nominees (1 from Napier City Council, and 1 from Hastings District Council, and both local authorities appoint the Chair).</p> <p>Napier City Council is the administering body.</p> |

|                         |   |   |
|-------------------------|---|---|
|                         |   | Trust reporting is made to the Prosperous Napier Committee.   |
| Omarunui Landfill       | Please refer above for the Omarunui Landfill Joint Committee appointees | Hastings District Council is the administering body   |
| Hawke's Bay Airport Ltd | No appointees required  | <p>This is a company incorporated under the Companies Act and is owned by the Crown, Hastings District Council and Napier City Council.</p> <p>Napier City Council has a 26% shareholding.</p> <p>Board reporting is made to the Prosperous Napier Committee.</p> |

Note: The Hawke's Bay Local Authority Shared Services (HBLASS) is a Limited Liability Company registered under the Companies Act. Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council jointly own the Company. HBLASS is currently inactive and has therefore not been included in the table above.

## EXTERNAL APPOINTMENTS

| Name of Organisation                      | Foundation Document | Appointee(s)   | Process of Appointment                             | Contact Person   | Notes  |
|---|---------------------|--|--|--|--|
| Ahuriri Business Association Incorporated | Rules 4(2)(b)       | Required: Elected member x 1<br><br>Councillor Hayley Browne                             | Mayor's nominee considered at AGM held end of May  | Maree Langford<br>info@ahuriri.co.nz   |  |
| Art Deco Trust                            | Trust Rules 9.2     | Required: Elected member x 1<br><br>Councillor Tania Wright                              | Board  | Fundraising & Communication<br>Co-ordinator<br>Steph Kennard<br>Membership@artdeconapier.com |  |
| Creative Arts Napier                      | Rules 11c           | Required:<br><br>Councillor Tania Wright   | Mayor's nominee considered at AGM held mid-October | Lisa Feyen<br>manager@thecan.co.nz   |  |
| Creative Communities Committee            | Terms of Reference  | Required: Elected member x 2<br><br>Councillor Tania Wright<br>Councillor Ronda Chrystal | Appointed by Mayor                                 | Belinda McLeod<br>belindam@napier.govt.nz  | Funding provided by Creative NZ. NCC provides administrative support. Meetings are for a full day, and are scheduled in pairs one week apart |

|  |                               |  |  |  |  |
|--|-------------------------------|--|--|--|--|
| Hawke's Bay Holt Planetarium Charitable Trust        | Trust Deed 16a, 17f           | Required: Mayor or nominee x 1<br><br>Councillor Greg Mawson   | Trustees; ex officio by mayor                        | Finance Manager<br>Michael Jones<br>mjones@nbhs.school.nz  |  |
| Hawke's Bay Medical Research Foundation Incorporated | Foundation Rules 19c          | Required: Mayor or nominee x 1<br><br>Helen Francis (external) | AGM  | Lorraine Guillemot<br>secretary@hbmrf.co.nz  |  |
| Sport Hawke's Bay                                    | Constitution 6.1(b)           | Required: Elected member x 1<br><br>Councillor Keith Price     | Council nominee considered by Board, 3 yearly term   | Damon Harvey<br>Chair  | Not a requirement to have a Council representative<br>"Periodic consideration as to the inclusion of a representative from any local authority..." |
| Historic Places Hawke's Bay Incorporated             | Rules 3c, 8c and Minutes      | Required: Elected member x 1<br><br>Councillor Hayley Browne   | Mayor's nominee considered at AGM held end September | Philip Irwin<br>philipirwin@xtra.co.nz   |  |
| Howard Estate Advisory Board                         | Howard Estate Act 1978 c19(1) | Required: Trustee x 1 (not required to be elected member)      | Open advertisement and section process three yearly  | Tony Shea<br>Senior Trust Officer, Rural Properties<br>Public Trust<br>tony.shea@publictrust.co.nz | Joint nomination between Napier City Council, Hastings District Council and Chamber of Commerce  |

|                                  |  |   |   |   |                   |
|----------------------------------|--|---|---|---|-------------------|
| Mayor's Taskforce for Jobs       |  | Required: Mayor   |   | Noa Woolloff<br>Taskforce Coordinator<br>117 Lambton Quay, Wgtn 6011<br>noa.woolloff@mtfj.co.nz |                   |
| Napier City Business Inc         | Rules 12(a)(ii)  | Required:<br>Councillor Sally Crown                             | Appointment made by Council                 | Zoe Barnes<br>zoe@napiercbd.co.nz   |                   |
| Napier City Pilot Trust          | Constitution Clause 8                                    | Required:<br>Councillor Richard McGrath                         | Nomination may be made by "eminent persons" | Joan Plowman  |                   |
| Napier Disability Advisory Group | Terms of Reference 4(2)(b)                               | Required: Elected member x 1<br>Councillor Greg Mawson          | Appointment by the Mayor                    | Jude Henderson, Chair<br>jhenderson@blindfoundation.org.nz                                      |                   |
| Port Noise Liaison Committee     | Napier District Plan & Environ. Court order Appendix 33c | Required:<br>Councillor Keith Price<br>Councillor Hayley Browne | Appointment made by Council                 | Paul Rose<br>paulr@napierport.co.nz   | Meets six monthly |

|                               |   |  |  |  |   |
|-------------------------------|---|--|--|--|---|
| Positive Ageing Trust         | Trust Deed 21.0                                     | Required: Elected member x 1<br><br>Councillor Greg Mawson   | Appointment made by Council  | Eve Vernik<br>admin@positiveageinghb.nz                |   |
| Pukemokimoki Marae Trust      | Charitable Trust Deed 7.1.2                         | Required: Elected member x 1<br><br>Councillor Hayley Browne | Appointment made by Council  | Maureen Mua<br>maureen.mua@rait.co.nz                  | Appointee must regularly report back to Council       |
| Rotary Pathway Trust          | Memorandum of Understanding and Minutes of Meetings | Required: Elected member x 1<br><br>Councillor Graeme Taylor | Appointment made by Council  | Secretary<br>Bob Morrison<br>rajmorrison@nowmail.co.nz | Staff representative also participates                |
| Taradale Business Association | Certificate of Incorporation / Rules                | Required: Elected member x 1<br><br>Councillor Nigel Simpson | Taradale Ward Councillor nominated, confirmed at AGM   | Linda Walsh<br>info@taradale.co.nz                     | The Council representative may vote                   |
| Te Matau A Maui Trust         | Trust Deed c9.5                                     | Required: 1 Trustee update 2020<br><br>Barbara Arnott        | Four Trustees appointed by HBDHB in consultation with all of the territorial authorities of the HB region.<br>Three year terms | Ken.foote@hbdhb.govt.nz                                | Trust meets three times a year: March August, October |

## 2. HAWKE'S BAY MUSEUMS TRUST STATEMENT OF INTENT AND FINANCIAL REPORTING

|  |                                 |
|--|---------------------------------|
| <i>Type of Report:</i>                 | Operational                     |
| <i>Legal Reference:</i>                | Local Government Act 2002       |
| <i>Document ID:</i>                    | 905626                          |
| <i>Reporting Officer/s &amp; Unit:</i> | Chris Denby, Finance Accountant |

### 2.1 Purpose of Report

To receive the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2019 and Statement of Intent 2020-22.

#### Officer's Recommendation

That Council:

- a. Note the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2019.
- b. Adopt the Hawke's Bay Museums Trust Statement of Intent 2020-22

#### Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

### 2.2 Background Summary

At the meeting of the Hawke's Bay Museums Trust held on 19 February 2020, the Trustees adopted their Financial Report for the six months ended 31 December 2019. A copy is **attached** to this report for Council's information.

The Trustees also accepted the **attached** draft Statement of Intent 2020-22 at their meeting on 19 February 2020. This has been provided to Council for review, feedback and adoption.

### 2.3 Issues

N/A

### 2.4 Significance and Engagement

N/A

### 2.5 Implications

#### Financial

N/A

#### Social & Policy

N/A

#### Risk

N/A

## 2.6 Options

The options available to Council are as follows:

- a. To note the Financial Report and adopt the Statement of Intent 2020-22.
- b. To note the Financial Report, provide feedback to the Trustees in relation to the Statement of Intent 2020-22 and adopt the Statement of Intent 2020-22.
- c. To note the Financial Report and provide feedback to the Trustees in relation to the Statement of Intent 2020-22, and request updates to be made prior to the Statement being brought back to Council for adoption

## 2.7 Development of Preferred Option

N/A

## 2.8 Attachments

- A Financial Report to 31 December 2019 [↓](#)
- B HBMT Statement of Intent 2020-22 [↓](#)



**HAWKE'S BAY MUSEUMS TRUST**  
**FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

**HAWKE'S BAY MUSEUMS TRUST  
INDEX TO THE FINANCIAL STATEMENTS  
FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

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|                                    |        |
|------------------------------------|--------|
| Statement of Financial Position    | 1      |
| Statement of Financial Performance | 2      |
| Statement of Movements in Equity   | 3      |
| Statement of Cashflows             | 4      |
| Notes to the Financial Statements  | 5 - 12 |

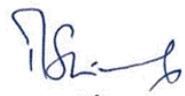
## Hawke's Bay Museums Trust

### Statement of Financial Position

As At 31 December 2019

|                                    | Note | 31-Dec-19         | 31-Dec-18         | 30-Jun-19         |
|------------------------------------|------|-------------------|-------------------|-------------------|
| Assets                             |      | \$                | \$                | \$                |
| <b>Banking</b>                     |      |                   |                   |                   |
| Westpac Bank - Current Account     | 5    | 42,049            | 14,799            | 36,487            |
| General Term Deposits              | 5    | 550,000           | 550,000           | 550,000           |
| Trusts Held on Behalf Investments  | 5    | 75,260            | 75,260            | 75,260            |
| <b>Total Banking</b>               |      | <b>667,309</b>    | <b>640,059</b>    | <b>661,747</b>    |
| <b>Current Assets</b>              |      |                   |                   |                   |
| Interest Accrued                   | 8    | 8,726             | 7,296             | 3,409             |
| <b>Total Current Assets</b>        |      | <b>8,726</b>      | <b>7,296</b>      | <b>3,409</b>      |
| <b>Fixed Assets</b>                |      |                   |                   |                   |
| Artworks and Collection            | 9    | 40,987,513        | 40,181,438        | 40,983,614        |
| <b>Total Fixed Assets</b>          |      | <b>40,987,513</b> | <b>40,181,438</b> | <b>40,983,614</b> |
| <b>Total Assets</b>                |      | <b>41,663,548</b> | <b>40,828,793</b> | <b>41,648,770</b> |
| <b>Liabilities</b>                 |      |                   |                   |                   |
| <b>Current Liabilities</b>         |      |                   |                   |                   |
| Creditor Accruals                  | 10   | 2,675             | 2,636             | 5,500             |
| GST Payable                        | 10   | 125               | -746              | 281               |
| Unspent Grants                     | 10   | 1,680             | 7,026             | 5,137             |
| <b>Total Current Liabilities</b>   |      | <b>4,480</b>      | <b>8,916</b>      | <b>10,918</b>     |
| <b>Long Term Liabilities</b>       |      |                   |                   |                   |
| Trust Funds Held on Behalf         | 11   | 75,260            | 75,260            | 75,260            |
| <b>Total Long Term Liabilities</b> |      | <b>75,260</b>     | <b>75,260</b>     | <b>75,260</b>     |
| <b>Total Liabilities</b>           |      | <b>79,740</b>     | <b>84,176</b>     | <b>86,178</b>     |
| <b>Net Assets</b>                  |      | <b>41,583,808</b> | <b>40,744,617</b> | <b>41,562,592</b> |
| <b>Equity</b>                      |      |                   |                   |                   |
| Retained Earnings                  | 6    | 1,567,857         | 755,642           | 1,564,319         |
| Asset Revaluation Reserve          | 6    | 39,474,064        | 39,474,064        | 39,474,064        |
| Special Funds                      | 6    | 541,887           | 514,911           | 524,209           |
| <b>Total Equity</b>                |      | <b>41,583,808</b> | <b>40,744,617</b> | <b>41,562,592</b> |

The Trust Board of Hawke's Bay Museums Trust authorised these financial statements for issue on **Wednesday 19 February 2020**, and are signed on behalf of the Board by:



Chairman



Trustee

## Hawke's Bay Museums Trust

### Statement of Financial Performance

For the Six Months Ended 31 December 2019

|   | Note | 31-Dec-19      | 31-Dec-18      | 30-Jun-19        |
|---|------|----------------|----------------|------------------|
|   |      | \$             | \$             | \$               |
| <b>Operating Income</b>                     |      |                |                |                  |
| Interest - bank                             |      | 8,308          | 9,662          | 19,435           |
| Interest - Trust funds                      |      | 1,157          | 0              | 0                |
| HDC Contribution                            | 2    | 291,880        | 291,599        | 583,199          |
| HDC Education Grants                        | 2    | 7,500          | 7,500          | 15,000           |
| NCC Contribution                            | 3    | 291,880        | 291,599        | 583,199          |
| Donations - General                         | 3    | 3,283          | 0              | 4,658            |
| Donations - Special Funds                   | 3    | 14,500         | 0              | 0                |
| Donations - MTG Collection                  |      | 0              | 0              | 801,200          |
| Donations - Faraday Centre                  |      | 0              | 0              | 500              |
| Grants Marian Holt Grant                    |      | 3,458          | 1,000          | 2,889            |
| <b>Total Income</b>                         |      | <b>621,966</b> | <b>601,360</b> | <b>2,010,080</b> |
| <b>Less Expense</b>                         |      |                |                |                  |
| Audit Fees                                  |      | 2,525          | 2,412          | 5,275            |
| Accounting Charge                           |      | 13,950         | 8,000          | 16,000           |
| Conservation                                |      | 5,670          | 0              | 0                |
| General Expenses                            |      | 48             | 44             | 49               |
| Insurance                                   |      | 2,288          | 2,060          | 2,060            |
| Management Fees                             | 12   | 572,810        | 577,989        | 1,155,977        |
| Marian Holt Grant Expenditure               |      | 3,458          | 1,000          | 2,889            |
| <b>Total Expense</b>                        |      | <b>600,749</b> | <b>591,505</b> | <b>1,182,250</b> |
| <b>Net Surplus/(Deficit) for the Period</b> |      | <b>21,217</b>  | <b>9,855</b>   | <b>827,830</b>   |

**HAWKE'S BAY MUSEUMS TRUST  
STATEMENT OF MOVEMENTS IN EQUITY  
FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

|   | Note | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|---|------|-----------------------------------|-----------------------------------|-------------------------------|
| Net Surplus/(Deficit) for Period                          |      |                                   |                                   |                               |
| Allocated To:   |      |                                   |                                   |                               |
| Net Surplus / (Deficit)                                   |      | (6,031)                           | 193                               | 808,395                       |
| Special Funds   |      | <u>27,248</u>                     | <u>9,662</u>                      | <u>19,435</u>                 |
| <b>Net Surplus/(Deficit) for year</b>                     |      | <u>21,217</u>                     | <u>9,855</u>                      | <u>827,830</u>                |
| Opening Balance at 1 July                                 |      | 41,562,592                        | 40,734,762                        | 40,734,762                    |
| Movement in Asset Revaluation Reserve                     |      | -                                 | -                                 | -                             |
| Transfer of Capital Expenditure from Acquisitions Reserve |      | -                                 | -                                 | -                             |
| Transfer of De-accession Proceeds to Acquisitions Reserve |      | -                                 | -                                 | -                             |
| <b>Accumulated Funds</b>                                  | 6    | <u><u>41,583,809</u></u>          | <u><u>40,744,617</u></u>          | <u><u>41,562,592</u></u>      |

**HAWKE'S BAY MUSEUMS TRUST**  
**STATEMENT OF CASHFLOWS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

|  | Note     | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|--|----------|-----------------------------------|-----------------------------------|-------------------------------|
| <b>Cashflows from Operating Activities</b>   |          |                                   |                                   |                               |
| Cash was Provided From:                      |          |                                   |                                   |                               |
| Grants Council                               |          | 591,260                           | 590,699                           | 1,181,397                     |
| Grants Received                              |          | -                                 | -                                 | -                             |
| Donations Received                           |          | 17,783                            | -                                 | 4,658                         |
| Other Operating Revenue                      |          | -                                 | -                                 | -                             |
| Interest Received                            |          | 4,148                             | 10,273                            | 23,934                        |
| Goods and Services Tax (net inflow)          |          | (155)                             | (1,487)                           | (459)                         |
|  |          | <u>613,036</u>                    | <u>599,485</u>                    | <u>1,209,530</u>              |
| Cash was Disbursed To:                       |          |                                   |                                   |                               |
| Audit Fee                                    |          | (5,350)                           | (5,275)                           | (5,275)                       |
| Management Fee & Education Grant             |          | (572,810)                         | (577,989)                         | (1,155,977)                   |
| Accounting Fee to NCC                        |          | (13,950)                          | (24,090)                          | (32,090)                      |
| Marian Holt Grant Expenditure                |          | (3,458)                           | (1,000)                           | (2,889)                       |
| Conservation Works                           |          | (5,670)                           | -                                 | -                             |
| Insurance & Legal Costs                      |          | (2,288)                           | (2,060)                           | (2,060)                       |
| Other Expenses                               |          | (48)                              | (44)                              | (49)                          |
| Goods and Services Tax (net outflow)         |          | -                                 | -                                 | -                             |
|  |          | <u>(603,574)</u>                  | <u>(610,458)</u>                  | <u>(1,198,340)</u>            |
| <b>Net Cashflows from Operating</b>          | <b>4</b> | <u><b>9,462</b></u>               | <u><b>(10,973)</b></u>            | <u><b>11,190</b></u>          |
| <b>Cashflows from Investing Activities</b>   |          |                                   |                                   |                               |
| Cash was Provided From:                      |          |                                   |                                   |                               |
| Sale of Collection Assets                    |          | 6                                 | -                                 | -                             |
| Cash was Disbursed To:                       |          |                                   |                                   |                               |
| Purchase of Collection Assets                |          | (3,906)                           | (2,014)                           | (2,489)                       |
| <b>Net Cashflows from Investing</b>          |          | <u><b>(3,900)</b></u>             | <u><b>(2,014)</b></u>             | <u><b>(2,489)</b></u>         |
| <b>Cashflows from Financing Activities</b>   |          |                                   |                                   |                               |
| Cash was Provided From:                      |          |                                   |                                   |                               |
| Maturity of Rabobank Bonds                   |          | -                                 | -                                 | -                             |
| Cash was Disbursed To:                       |          |                                   |                                   |                               |
| Increase in Term Deposit                     |          | -                                 | -                                 | -                             |
| <b>Net Cashflows from Financing</b>          |          | <u><b>-</b></u>                   | <u><b>-</b></u>                   | <u><b>-</b></u>               |
| Net Cashflows (Deficit)                      |          | 5,562                             | (12,987)                          | 8,701                         |
| Add Opening Cash Balance                     |          | 661,747                           | 653,046                           | 653,046                       |
| <b>Closing Cash Balance 31 December 2016</b> |          | <u><b>667,309</b></u>             | <u><b>640,059</b></u>             | <u><b>661,747</b></u>         |



# **HAWKE'S BAY MUSEUMS TRUST NOTES TO THE FINANCIAL STATEMENTS FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

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## **1. Statement of Accounting Policies**

### **Reporting Entity**

The Hawke's Bay Museums Trust (Incorporated) is registered under the Charitable Trusts Act 1957 and is registered as a charitable entity under the Charities Act 2005.

### **General Accounting Policies**

The general accounting policies recognised as appropriate for the measurement and reporting of results, and financial position, under the historical cost method as modified by the revaluation of certain assets, have been followed in the preparation of these financial statements.

The Board has elected to apply PBE-SFR-A (PS) Public Benefit Entity Simple Format Reporting - Accrual (Public Sector) on the basis that the Trust does not have public accountability (as defined) and has total annual expenses of less than \$2 million.

The financial statements are prepared on the assumption that the Trust will continue to operate in the foreseeable future.

All transactions in the financial statements are reported using the accrual basis of accounting

### **Significant accounting policies**

#### **Bank Accounts and Cash**

Bank Accounts and Cash comprise cheque or savings accounts and deposits held at call with banks.

#### **Investments**

Investments comprise bank term deposits.

#### **Accounts Receivable**

Accounts receivable are stated at their estimated net realisable value.

#### **Grants**

Grants received are recognised in the Statement of Financial Performance when the requirements under the grant agreement have been met. Any grants for which the requirements under the grant agreement have not been completed will be carried as liabilities until the conditions have been fulfilled.

#### **Donated Assets**

Revenue from donated assets is recognised upon receipt of the asset if the asset has a useful life of more than 12 months and the value of the asset is readily obtainable and significant.

#### **Artworks and Collection**

The Trust has elected to apply International Public Sector Accounting Standard (IPSAS) 17 - Property, Plant and Equipment. Items contained in collection assets tend to have an indefinite life and are generally not of a depreciable nature. Depreciation is therefore not applicable and collection assets are carried at fair value. Carrying values are reviewed at least every five years to ensure those values are not materially different to fair value.

#### **Creditors and Accrued Expenses**

Creditors and accrued expenses are measured on the amount owing.

#### **GST**

The Trust is registered for GST. The Statement of Financial Performance has been prepared so that all components are stated net of GST. All items in the Statement of Financial Position are stated net of GST, with the exception of receivables and payables, which include GST invoiced.

#### **Interest Revenue**

Interest revenue is recorded as it is earned during the year.

#### **Income Tax**

Hawkes Bay Museums Trust is exempt from paying income tax.

#### **Changes in Accounting Policies**

There have been no changes in accounting policies for the 2018/19 financial year.

**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

|   | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|---|-----------------------------------|-----------------------------------|-------------------------------|
| <b>2. Grants - Councils</b>   |                                   |                                   |                               |
| The Hawke's Bay Museums Trust is jointly funded by Napier City Council and Hastings District Council. |                                   |                                   |                               |
| Hastings District Council   | 299,380                           | 299,099                           | 598,198                       |
| Napier City Council   | 291,880                           | 291,599                           | 583,199                       |
|   | <u>591,260</u>                    | <u>590,698</u>                    | <u>1,181,397</u>              |
| <b>3. Grants and Donations</b>  |                                   |                                   |                               |
| Donations - R & D Crowther  | 500                               | -                                 | -                             |
| Donations - Estate K L Stichbury  | 1,000                             | -                                 | -                             |
| Donations - Webb Trust  | 13,000                            | -                                 | -                             |
| Total Donations Received - Tagged Special Funds   | <u>14,500</u>                     |                                   |                               |
| General Donations   | 3,283                             | -                                 | 4,658                         |
| Grants (Marian Holt Grant)  | 3,458                             | -                                 | 2,889                         |
| Collection Additions  | -                                 | -                                 | 801,201                       |
| Collection Additions - Faraday Centre   | -                                 | -                                 | 500                           |
|   | <u>21,241</u>                     | <u>-</u>                          | <u>809,248</u>                |
| <b>4. Reconciliation of Net Surplus to Net Cash Flow from Operating Activities</b>                    |                                   |                                   |                               |
| Operating Surplus   | 21,217                            | 9,855                             | 827,830                       |
| Less donated / vested assets  | -                                 | -                                 | (801,701)                     |
| <b>Cash surplus/(deficit) from operations</b>   | <u>21,217</u>                     | <u>9,855</u>                      | <u>26,129</u>                 |
| Add/(less) movements in working capital items:  |                                   |                                   |                               |
| Accounts receivable   |                                   |                                   |                               |
| Prepayments & accrued revenue (net, including interest)   | (5,316)                           | 612                               | 4,499                         |
| Accounts payable accrued (net)  | (2,825)                           | (18,954)                          | (16,090)                      |
| Increase in Unspent Grants  | (3,457)                           | (1,000)                           | (2,889)                       |
| Loss on Disposals   | -                                 | -                                 | -                             |
| Net GST movement  | (157)                             | (1,486)                           | (459)                         |
| <b>Net cash inflow/(outflow) from operating activities</b>  | <u>9,462</u>                      | <u>(10,973)</u>                   | <u>11,190</u>                 |
| <b>5. Bank Accounts, Cash and Investments</b>   |                                   |                                   |                               |
| <b>Bank Accounts and Cash</b>   |                                   |                                   |                               |
| Westpac Bank - Current Account  | 42,049                            | 14,799                            | 36,487                        |
| Total Bank Accounts and Cash  | <u>42,049</u>                     | <u>14,799</u>                     | <u>36,487</u>                 |
| <b>Investments</b>  |                                   |                                   |                               |
| Westpac Term Deposits   | 550,000                           | 550,000                           | 550,000                       |
| <b>Westpac Term Deposits - Trusts Held on Behalf</b>  |                                   |                                   |                               |
| M S Spence Trust  | 33,387                            | 33,387                            | 33,387                        |
| L D Bestall Trust   | 20,834                            | 20,834                            | 20,834                        |
| Estate L D Bestall  | 21,039                            | 21,039                            | 21,039                        |
| Total Investments   | <u>625,260</u>                    | <u>625,260</u>                    | <u>625,260</u>                |
| <b>Total Bank Accounts, Cash and Investments</b>  | <u>667,309</u>                    | <u>640,059</u>                    | <u>661,747</u>                |



**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

| 6. Movements in equity                                      | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|---|-----------------------------------|-----------------------------------|-------------------------------|
| <b>Special Reserves</b>                                     |                                   |                                   |                               |
| <b>Restricted Reserves</b>                                  |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 14,594                            | 14,115                            | 14,115                        |
| Interest income   | 328                               | 237                               | 479                           |
| Transfer to Other Reserves                                  | -                                 | -                                 | -                             |
| <b>Closing Balance Special Reserves</b>                     | <b>14,922</b>                     | <b>14,352</b>                     | <b>14,594</b>                 |
| <b>Unrestricted Reserves</b>                                |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 92,850                            | 89,801                            | 89,801                        |
| Interest Income   | 2,089                             | 1,507                             | 3,049                         |
| Grants and Donations  | -                                 | -                                 | -                             |
| Transfer to Other Reserves                                  | -                                 | -                                 | -                             |
| Transfer to Napier City Council                             | -                                 | -                                 | -                             |
| <b>Closing Balance Unrestricted Reserves</b>                | <b>94,939</b>                     | <b>91,308</b>                     | <b>92,850</b>                 |
| <b>Acquisitions Reserve</b>                                 |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 379,203                           | 369,199                           | 369,199                       |
| Interest Income   | 8,533                             | 6,194                             | 12,493                        |
| Acquisitions Donations Received                             | 14,000                            | -                                 | -                             |
| Proceeds from De-accession                                  | 6                                 | -                                 | -                             |
| Acquisitions for Year                                       | (3,906)                           | (2,014)                           | (2,489)                       |
| <b>Closing Balance Acquisitions Reserve</b>                 | <b>397,836</b>                    | <b>373,379</b>                    | <b>379,203</b>                |
| <b>Conservation Reserve Fund</b>                            |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 28,489                            | 27,553                            | 27,553                        |
| Interest Income   | 642                               | 461                               | 936                           |
| Conservation Donations Received                             | 500                               | -                                 | -                             |
| Conservation for Year                                       | (5,670)                           | -                                 | -                             |
| <b>Closing Balance Conservation Reserve</b>                 | <b>23,961</b>                     | <b>28,014</b>                     | <b>28,489</b>                 |
| <b>Trusts Held on Behalf</b>                                |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 9,073                             | 6,595                             | 6,595                         |
| Interest Income   | 1,156                             | 1,263                             | 2,478                         |
| Acquisitions for Year                                       | -                                 | -                                 | -                             |
| <b>Closing Balance Trusts Held on Behalf</b>                | <b>10,229</b>                     | <b>7,858</b>                      | <b>9,073</b>                  |
| <b>Total Special Reserves</b>                               | <b>541,887</b>                    | <b>514,911</b>                    | <b>524,209</b>                |
| <b>Asset Revaluation Reserve</b>                            |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 39,474,064                        | 39,474,064                        | 39,474,064                    |
| Movement in Asset Revaluation Reserve                       | -                                 | -                                 | -                             |
| <b>Closing Balance Revaluation Reserve</b>                  | <b>39,474,064</b>                 | <b>39,474,064</b>                 | <b>39,474,064</b>             |
| <b>Retained earnings</b>                                    |                                   |                                   |                               |
| Opening Balance 1 July 2018                                 | 1,564,319                         | 753,435                           | 753,435                       |
| Transfer of donations to restricted reserve                 | -                                 | -                                 | -                             |
| Transfer of capital expenditure from restricted reserve     | -                                 | -                                 | -                             |
| Transfer of donations to acquisitions reserve               | -                                 | -                                 | -                             |
| Transfer of proceeds of deaccession to acquisitions reserve | (6)                               | -                                 | -                             |
| Transfer of capital expenditure from acquisitions reserve   | 3,906                             | 2,014                             | 2,489                         |
| Transfer of donations to conservation reserve               | 5,670                             | -                                 | -                             |
| Transfer of capital expenditure from conservation reserve   | -                                 | -                                 | -                             |
| Transfer of capital expenditure to conservation reserve     | -                                 | -                                 | -                             |
| Transfer of donations to restricted reserve                 | -                                 | -                                 | -                             |
| Transfer of capital expenditure from unrestricted reserve   | -                                 | -                                 | -                             |
| Net surplus/(deficit) for year                              | (6,032)                           | 193                               | 808,395                       |
| <b>Closing Balance Retained Earnings</b>                    | <b>1,567,857</b>                  | <b>755,642</b>                    | <b>1,564,319</b>              |
|   | <b>41,583,808</b>                 | <b>40,744,617</b>                 | <b>41,562,592</b>             |

**Restricted Reserves** - consist of reserves which have conditions of use attached to the funds held within the reserve

**Unrestricted Reserves** - funds held in equity which have no restrictions on conditions of use

**Acquisitions Reserve** - funds which the Trustees have identified and set aside for the specific purpose of acquisition of items for the museum collection

**Conservation Reserve Fund** - funds which the Trustees have identified and set aside for applying to the cost of conservation of collection items

**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

**7. Special Funds**

|                                    | Opening<br>Balance as at<br>1 Jul 2019 | Transfer | Grants<br>Donations &<br>Bequests<br>Received | Acquisitions &<br>Conservation for<br>6 Months to<br>31 Dec 2019 | De-accessions<br>for 6 Months to<br>31 Dec 2019 | Allocation of<br>Proportion Interest<br>& Donations Income | Closing<br>Balance as at<br>31 Dec 2019 |
|------------------------------------|--|----------|---|--|---|--|---|
| <b>Restricted Reserves</b>         |  |          |   |  |   |  |   |
| QEII Award Fund                    | 14,594                                 | -        | -   | -  | -   | 328  | 14,922                                  |
|                                    | 14,594                                 | -        | -   | -  | -   | 328  | 14,922                                  |
| <b>Unrestricted Reserves</b>       |  |          |   |  |   |  |   |
| HB Museum Building Fund            | -                                      | -        | -   | -  | -   | -  | -                                       |
| Lilliput Building Fund             | 92,850                                 | -        | -   | -  | -   | 2,089  | 94,939                                  |
|                                    | 92,850                                 | -        | -   | -  | -   | 2,089  | 94,939                                  |
| <b>Acquisitions Reserve Fund</b>   |  |          |   |  |   |  |   |
| Millin Estate                      | 280,497                                | -        | -   | -  | -   | 6,312  | 286,809                                 |
| LJ Sanderson                       | 82,950                                 | -        | -   | -  | -   | 1,866  | 84,816                                  |
| M L Holt                           | 13,609                                 | -        | -   | (2,327)  | -   | 306  | 11,588                                  |
| James Walker                       | 1,544                                  | -        | -   | (1,579)  | -   | 35   | 0                                       |
| K L Stichbury                      | 0                                      | -        | 1,000   | -  | -   | -  | 1,000                                   |
| Webb Trust                         | 603                                    | -        | 13,000  | -  | -   | 14   | 13,617                                  |
|                                    | 379,203                                | -        | 14,000  | (3,906)  | -   | 8,533  | 397,830                                 |
| <b>Conservation Reserve Fund</b>   |  |          |   |  |   |  |   |
| Dobson Trust                       | 5,030                                  | -        | -   | (5,144)  | -   | 114  | 0                                       |
| B Horne                            | 9,643                                  | -        | -   | (193)  | 6   | 217  | 9,673                                   |
| M L Holt                           | 13,490                                 | -        | -   | -  | -   | 304  | 13,794                                  |
| R & D Crowther                     | 0                                      | -        | 500   | -  | -   | -  | 500                                     |
| Other - FHBMA Care Fund            | 326                                    | -        | -   | (333)  | -   | 7  | 0                                       |
|                                    | 28,489                                 | -        | 500   | (5,670)  | 6   | 642  | 23,967                                  |
| <b>Total HBMT Special Funds</b>    | 515,136                                | -        | 14,500  | (9,576)  | 6   | 11,592   | 531,658                                 |
| <b>Trusts Held on Behalf</b>       |  |          |   |  |   |  |   |
| M S Spence Trust                   | 4,026                                  | -        | -   | -  | -   | 513  | 4,539                                   |
| L D Bestall Trust                  | 2,484                                  | -        | -   | -  | -   | 320  | 2,804                                   |
| Estate L D Bestall                 | 2,563                                  | -        | -   | -  | -   | 323  | 2,886                                   |
| <b>Total Trusts Held on Behalf</b> | 9,073                                  | -        | -   | -  | -   | 1,156  | 10,229                                  |
| <b>Total Special Funds</b>         | 524,209                                | -        | 14,500  | (9,576)  | 6   | 12,748   | 541,887                                 |

Page 8

**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

|  | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|--|-----------------------------------|-----------------------------------|-------------------------------|
| <b>8. Accounts Receivable, Accrued Revenue &amp; Prepayments</b> |                                   |                                   |                               |
| Accrued Interest   | 8,725                             | 7,296                             | 3,409                         |
|  | <u>8,725</u>                      | <u>7,296</u>                      | <u>3,409</u>                  |

**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

**9. Collection Assets**

Museum Art & Collection Assets were valued by independent registered valuer Jessica Pearless MPINZ of Paragon Matter Art Services as at 30 June 2018 using fair value. The Faraday Centre Collection was valued by independent registered valuer Craig S Scouler MPINZ of Asset Valuations Ltd as at 30 June 2017 using fair value. Both valuations have been brought to account in the 2017/18 financial statements. The basis for both valuations is 'Estimated Market Value.'

|  | Library<br>Archives | Textiles &<br>Associated<br>Items | Taonga<br>Maori | Fine Arts | Social<br>History | Pottery<br>Porcelain<br>Glass<br>Silver | Ethnology | Subtotal   | Faraday<br>Centre | Total      |
|--|---------------------|-----------------------------------|-----------------|-----------|-------------------|---|-----------|------------|-------------------|------------|
| <b>Carrying amount at 1 July 2018</b>      |                     |                                   |                 |           |                   |   |           |            |                   |            |
| Acquisitions                               | 1,766,252           | 786,457                           | 25,436,344      | 9,037,842 | 982,043           | 418,390                                 | 1,267,348 | 39,694,676 | 484,748           | 40,179,424 |
| Donations                                  | -                   | -                                 | -               | -         | 2,489             | -                                       | -         | 2,489      | -                 | 2,489      |
| Deaccessions                               | 61,360              | 840                               | 9,945           | 725,000   | 3,786             | 270                                     | -         | 801,201    | 500               | 801,701    |
| Revaluation                                | -                   | -                                 | -               | -         | -                 | -                                       | -         | -          | -                 | -          |
| <b>Carrying amount at 30 June 2019</b>     |                     |                                   |                 |           |                   |   |           |            |                   |            |
| Acquisitions                               | 1,827,612           | 787,297                           | 25,446,289      | 9,762,842 | 988,318           | 418,660                                 | 1,267,348 | 40,498,366 | 485,248           | 40,983,614 |
| Donations                                  | 649                 | -                                 | -               | -         | 3,257             | -                                       | -         | 3,906      | -                 | 3,906      |
| Deaccessions                               | -                   | -                                 | -               | -         | (6)               | -                                       | -         | (6)        | -                 | (6)        |
| Revaluation                                | -                   | -                                 | -               | -         | -                 | -                                       | -         | -          | -                 | -          |
| <b>Carrying amount at 31 December 2019</b> |                     |                                   |                 |           |                   |   |           |            |                   |            |
|  | 1,828,261           | 787,297                           | 25,446,289      | 9,762,842 | 991,569           | 418,660                                 | 1,267,348 | 40,502,266 | 485,248           | 40,987,514 |

**HAWKE'S BAY MUSEUMS TRUST**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

|  | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|--|-----------------------------------|-----------------------------------|-------------------------------|
| <b>10. Accounts Payable &amp; Accruals</b> |                                   |                                   |                               |
| Accounts Payable & Accruals                | 2,675                             | 2,636                             | 5,500                         |
| GST Payable                                | 125                               | (746)                             | 281                           |
| Unexpended Grants                          | 1,680                             | 7,026                             | 5,137                         |
|  | <u>4,480</u>                      | <u>8,916</u>                      | <u>10,918</u>                 |

**11. Non-Current Liabilities**

|                             |               |               |               |
|-----------------------------|---------------|---------------|---------------|
| M S Spence Trust Proceeds   | 33,387        | 33,387        | 33,387        |
| L D Bestall Trust Proceeds  | 20,834        | 20,834        | 20,834        |
| Estate L D Bestall Proceeds | 21,039        | 21,039        | 21,039        |
|                             | <u>75,260</u> | <u>75,260</u> | <u>75,260</u> |

**12. Related Parties**

Hastings District Council and Napier City Council are related parties, to the extent that they contribute funds and are represented on the Board.

The Hawke's Bay Museums Trust has contracted Napier City Council to provide administrative and accounting services for the Trust's operations. Payment for these services during the financial period under review was \$13,950 (to 31 December 2018: \$8,000 and to 30 June 2019: \$16,000).

The Hawkes Bay Museums Trust has also contracted Napier City Council to provide administrative and management services for the management of the collection. Payment for services during the financial period under review were: \$577,989 (to 31 December 2018: \$437,405 and to 30 June 2019: \$874,810).

|   | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|---|-----------------------------------|-----------------------------------|-------------------------------|
| <b>13. Commitments</b>                                  |                                   |                                   |                               |
| <b>Capital Commitments</b>                              |                                   |                                   |                               |
| Operating Commitments - Digitising of Nitrate Negatives | -                                 | -                                 | 1,000                         |
| Capital Commitments - Colenso Biography                 | -                                 | -                                 | 649                           |

|                          | 6 Months Ended<br>31-Dec-19<br>\$ | 6 Months Ended<br>31-Dec-18<br>\$ | Year Ended<br>30-Jun-19<br>\$ |
|--------------------------|-----------------------------------|-----------------------------------|-------------------------------|
| <b>14. Contingencies</b> |                                   |                                   |                               |
| Known contingent events  | -                                 | -                                 | -                             |



# **HAWKE'S BAY MUSEUMS TRUST** **NOTES TO THE FINANCIAL STATEMENTS** **FOR THE SIX MONTHS ENDED 31 DECEMBER 2019**

## **15. Statement of Intent**

In its 2019/20 Statement of Intent the Trust set financial targets for the year. The following table summarises actual results (to 31 December 2019) against those targets, with explanations for variances.

|                                    | Actual to<br>31-Dec-19 | Target to<br>31-Dec-19 | Variance |
|------------------------------------|------------------------|------------------------|----------|
| <b>Revenue</b>                     |                        |                        |          |
| Council Funding (NCC & HDC)        | 591,260                | 591,260                | 0        |
| Interest Income                    | 9,465                  | 10,050                 | -585     |
| Cash Donations                     | 3,283                  | 2,500                  | 783      |
| Tagged Donations                   | 14,500                 | 0                      | 14,500   |
| Marian Holt Grant Received         | 3,458                  | 0                      | 3,458    |
| Total Revenue                      | 621,966                | 603,810                | 18,156   |
| <b>Expenses</b>                    |                        |                        |          |
| Management Fee and Education Grant | 482,810                | 482,810                | 0        |
| Off-Site Storage                   | 90,000                 | 90,000                 | 0        |
| Conservation                       | 5,670                  | 6,275                  | 605      |
| Accessions                         | 3,906                  | 6,275                  | 2,369    |
| Public Stitch Project              | 3,458                  | 0                      | -3,458   |
| Trust Admin & Management           | 13,950                 | 13,950                 | 0        |
| Audit, Insurance, Legal Fees       | 4,861                  | 4,500                  | -361     |
| Total Expenses                     | 604,655                | 603,810                | -845     |
| Surplus/Deficit                    | 17,311                 | 0                      | 17,311   |

|                                    | Actual to<br>31-Dec-18 | Target to<br>31-Dec-18 | Variance |
|------------------------------------|------------------------|------------------------|----------|
| <b>Revenue</b>                     |                        |                        |          |
| Council Funding (NCC & HDC)        | 590,698                | 590,700                | -2       |
| Interest Income                    | 9,662                  | 9,900                  | -238     |
| Cash Donations                     | 0                      | 3,600                  | -3,600   |
| Marian Holt Grant Received         | 1,000                  | 0                      | 1,000    |
| Total Revenue                      | 601,360                | 604,200                | -2,840   |
| <b>Expenses</b>                    |                        |                        |          |
| Management Fee and Education Grant | 489,989                | 489,990                | 1        |
| Off-Site Storage                   | 88,000                 | 88,000                 | 0        |
| Conservation                       | 0                      | 6,750                  | 6,750    |
| Accessions                         | 2,014                  | 6,750                  | 4,736    |
| Public Stitch Project              | 1,000                  | 0                      | -1,000   |
| Trust Admin & Management           | 8,000                  | 8,000                  | 0        |
| Audit, Insurance, Legal Fees       | 4,517                  | 4,710                  | 193      |
| Total Expenses                     | 593,520                | 604,200                | 10,680   |
| Surplus/Deficit                    | 7,840                  | 0                      | 7,840    |

|  | 6 Months Ended<br>31-Dec-19 | 6 Months Ended<br>31-Dec-18 | Year Ended<br>30-Jun-19 |
|--|-----------------------------|-----------------------------|-------------------------|
| <b>Ratio of Shareholders Funds to Total Assets</b>   | 99.8%                       | 99.8%                       | 99.8%                   |
| Note: This ratio shows the proportion of assets on which the shareholders have a residual claim. |                             |                             |                         |
| <b>Minimum Target Ratio</b>  | 95.0%                       | 95.0%                       | 95.0%                   |



20 February 2020

Hon. Kirsten Wise  
Mayor  
Napier City Council  
Private Bag 6010  
Napier 4142

Dear Kirsten,

**Hawke's Bay Museums Trust Statement of Intent 2020-2022**

Enclosed please find the draft Statement of Intent for the upcoming period 2020 to 2022. The trustees accepted this draft at their quarterly board meeting on Wednesday 19 February 2020.

The trustees felt that it was not appropriate to make major adjustments to the Trust's strategic intentions due to the on-going work of the HBMT Joint Working Group.

This is for your Council's initial review and feedback, and subsequent adoption.

Yours sincerely,



Richard Grant  
Chairman

Copy to: Wayne Jack  
Nigel Bickle  
Bruce Allan  
Caroline Thomson  
George Lyons  
Tania Wright

C/- MTG Hawkes Bay, PO Box 248, Napier 4140, New Zealand



## *Hawke's Bay Museums Trust* *Ruawharo Ta-u-rangi*

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### STATEMENT OF INTENT 2020 – 2022

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The Hawke's Bay Museums Trust is a Council Controlled Organisation as three of the five members of the Board are either the two Councils' respective nominees, or the jointly appointed chair.

As a Council Controlled Organisation, the Trust acknowledges the 2012 and 2019 amendments to the Local Government Act 2002.

#### **The Objectives of the Trust are:**

- To hold and protect the collection for the people of Hawke's Bay
- To encourage the development of quality cultural facilities capable of accessing or drawing upon the collection within Hawke's Bay
- To advance and promote cultural heritage and the arts through the use of the collection
- To oversee collection management through the development of collection policy, conservation and risk management strategies via a contract for services with the Napier City Council
- To oversee collection development through the regulation of the acquisition and disposal of collection items
- To manage the bequests vested in the Trust in a way in which best industry practices benefit to the collection.

#### **Governance of the Trust is:**

The Board is constituted to have five members appointed as follows:

- One appointed by the Napier City Council
- One appointed by the Hastings District Council
- One appointed by the Hawke's Bay Museums Foundation Charitable Trust
- One by Ngati Kahungunu Iwi (Incorporated)
- One Chairperson who is jointly appointed by the Napier City Council and the Hastings District Council.

The Trust Board will govern on a high-level strategic direction basis. It will ensure regional balance and Iwi representation. It will undertake a management agreement with Napier City Council for the care and management of the regional collection.

#### **The strategic intentions of the Trust for 2020-2022 are:**

The Trust will:

- work closely with the Napier City Council and the Hastings District Council and other local authorities in the Hawke's Bay region to promote public appreciation of the collection
- consult regularly with the Director of MTG to advance the standing of the MTG in the community and further afield
- review annually the performance of the Napier City Council in the execution of its contract for care and management of the collection
- ensure that the Trust's investment policy is managed in a manner that satisfies the guiding principles set by Hastings District Council and Napier City Council for their own investment policies.



- work closely with Napier City Council, Hastings District Council and Hawke's Bay Regional Council to determine a solution to develop long-term storage for the collection.

The Nature and Scope of Activities to be undertaken by Napier City Council are outlined below. These activities will be achieved in accordance with agreed best industry practice and consistent with HBMT policies and procedures.

**1) Protection**

- Storage including pest control, storage media, shelving and air quality
  - Pest control
  - Storage media
  - Shelving
  - Air quality
- Security including alarm and access systems and monitoring, and insurance
  - Alarm systems (burglary, fire)
  - Alarm monitoring
  - Access systems
  - Insurance (loan items, owed items)
- Records Management including Vernon database and other records
  - Vernon database
  - Other records

**2) Quality** including conservation, accessioning and de-accessioning.

- Conservation - appropriate conservation to accepted best industry practice and consistent with HBMT collection policies.
- Accessioning - appropriate accessioning to accepted best industry practice consistent with HBMT collection policies.
- De-accessioning - appropriate de-accessioning to accepted best industry practice consistent with HBMT collection policies.

**3) Access** including exhibitions, research and archives.

- Exhibitions - Collection available to Hastings City Art Gallery and MTG Hawke's Bay and other institutions as appropriate within accepted best industry practice.
- Research - Collection made available through MTG Hawke's Bay as appropriate within accepted best industry practice.
- Archives - Archives made available through MTG Hawke's Bay as appropriate within accepted best industry practice.

**4) Development** including fundraising, reserves management and relationship development.

- Fundraising - To work with the MTG Hawke's Bay Foundation to provide funding.
- Reserves - To appropriately manage accession reserves.
- Relationships - To appropriately manage relationships to allow the collection to develop appropriately.
  - Funding Councils
  - Te Rōpū Kaiawhina Taonga
  - MTG Friends

**Accounting Policies adopted by the Hawke's Bay Museums Trust will be:**

**Reporting entity**

The Hawke's Bay Museums Trust is registered under the Charitable Trusts Act 1957 and is registered as a charitable entity under the Charities Act 2005.

**Statutory base**

The financial statements will be prepared in accordance with Part 3 (Audits and Reports), Section 15, of the Public Audit Act 2001.

**General accounting policies**

The general accounting policies recognised as appropriate for the measurement and reporting of results and financial position under the historical cost method as modified by any revaluation of certain assets, will be followed in the preparation of the financial statements.

The Board has elected to apply PBE-SFR-A (PS) Public Benefit Entity Simple Format Reporting - Accrual (Public Sector) on the basis that the Trust does not have public accountability (as defined) and has total annual expenses of less than \$2 million. The financial statements will be prepared on the assumption that the Trust will continue to operate in the foreseeable future. All transactions in the financial statements will be reported using the accrual basis of accounting

**Specific accounting policies****Bank Accounts and Cash**

Bank Accounts and Cash comprise cheque or savings accounts and deposits held on call with banks.

**Investments**

Investments comprise bank term deposits. Investments will be stated at lower of cost or net realisable value.

**Interest Revenue**

Interest revenue will be recorded as it is earned during the financial year, and accrued at year-end.

**Accounts receivable**

Any accounts receivable will be stated at their estimated net realisable value.

**Grants**

Any grants received will be recognised in the Statement of Financial Performance when the requirements under the grant agreement are met. Any grants for which the requirements under the grant agreement are not completed will be carried as liabilities until the conditions are fulfilled.

**Donated Assets**

Revenue from donated assets will be recognised upon receipt of the asset if the asset has a useful life of more than 12 months and the value of the asset is readily obtainable and significant.

**Artworks and Collection**

The Trust has elected to apply Public Sector Accounting Standard 17 – Property, Plant and Equipment (PBE IPSAS 17). Items contained in collection assets tend to have an indefinite life, and are generally not of a depreciable nature. Depreciation will therefore not be applicable and collection assets will be carried at fair value. Carrying values will be reviewed at least every five years by an independent qualified valuer, to ensure those values are not materially different from fair value. Carrying values will be reassessed annually in the intervening years.

Purchases of collection items will be recorded at cost, and donated collection assets will be recorded without attached values at the time of acquisition. These values will be captured during annual update revision of the valuation as noted above.

**Creditors and Accrued Expenses**

Creditors and accrued expenses will be measured on the amount owing.

**Goods and Services Tax (GST)**

The Trust is registered for GST. The Statement of Financial Performance will be prepared so that components are stated exclusive of GST. All items in the Statement of Financial Position will be stated net of GST, with the exception of receivables and payables, which will include GST invoiced.

**Income tax**

Hawke's Bay Museums Trust is exempt from paying income tax.

**Changes in accounting policies**

Any changes in accounting policies will be clearly signified and quantified.

**Performance Targets**

| Key Result Area | Performance Indicator   | Target/Reporting Method   |                |
|-----------------|---|---|----------------|
|                 |   | 2020/21 target  | 2020/21 actual |
| Protection      | Full insurance cover is provided for the collection.  | Yes   |                |
|                 | Collections are stored in an acceptable environment.  | No items reported to have suffered deterioration due to environment |                |
| Quality         | Every item accessioned into the collection has undergone a detailed selection process within the framework of the Collection Strategy | Yes   |                |
|                 | De-accessions are managed in accordance with the Collection Strategy and reported to the Board  | Yes   |                |
| Access          | HBMT collections are used for academic and personal research  | 1,500 enquiries   |                |
|                 | Collections are made available to the public through quality exhibitions  | 2 - 5 collection-based exhibitions                                  |                |
| Development     | Bequest funds income is used in the manner determined by the donor.   | Yes   |                |
|                 | Conservation funds income is used solely for collection care.   | Yes   |                |
|                 | Joint HBMT/Te Rōpū Kaiawhina Taonga meeting held.   | 1 per annum   |                |

#### Hawke's Bay Museums Trust Financial Performance Targets

| Financial Performance            | 2020/21   | 2021/22   | 2022/23   |
|----------------------------------|-----------|-----------|-----------|
| <b>Revenue</b>                   |           |           |           |
| Council Funding (NCC & HDC)*     | 1,191,729 | 1,217,617 | 1,244,075 |
| Interest Income **               | 16,700    | 16,700    | 16,700    |
| Donations                        | 6,000     | 6,000     | 6,000     |
| Total Revenue                    | 1,214,429 | 1,240,317 | 1,266,775 |
| <b>Expenses</b>                  |           |           |           |
| Management Fee & Education Grant | 958,829   | 979,923   | 1,001,482 |
| Off-Site Storage                 | 180,000   | 183,960   | 188,007   |
| Education Grant (LEOTC)          | 15,000    | 15,000    | 15,000    |
| Trust Admin & Management         | 28,300    | 28,923    | 29,559    |
| Audit, Insurance & Legal etc***  | 9,600     | 9,811     | 10,027    |
| Conservation                     | 11,350    | 11,350    | 11,350    |
| Accessions                       | 11,350    | 11,350    | 11,350    |
| Total Expenses                   | 1,214,429 | 1,240,317 | 1,266,775 |
| <b>Surplus/(Deficit)</b>         | 0         | 0         | 0         |

#### Financial Ratio Target:

|   |     |     |     |
|---|-----|-----|-----|
| Ratio of Shareholders Funds to Total Assets **** (minimum ratio): | 95% | 95% | 95% |
|---|-----|-----|-----|

- \* Net Council Funding results from inflation-adjusting some of the Trust's expenses in accordance with the same inflation rates used in both Councils' Annual Plans. Future year Statement of Intent Financial Targets (for 2021/22 and 2022/23) may differ from the above targets.
- \*\* Interest income is based on maintaining capital funds at present levels with projected interest rates, and therefore no inflation adjustment is applied. Early spending of these funds will reduce the interest income.
- \*\*\* Audit, Insurance & Legal etc for 2020/21 includes Audit Fees \$5,350, Insurance \$2,288, Legal Fees \$1,600, Charities Filing \$45, MYOB Subscription \$255, and Sundries \$62.
- \*\*\*\* The ratio of Shareholders Funds to Total Assets measures the percentage of assets on which equity holders have a residual claim. Shareholders Funds is the amount of equity that belongs to the shareholders and represents an estimate of the amount the shareholders would receive if the Trust liquidated. Assets are the resources, for which the Trust has ownership or guardianship, that can be measured and expressed in dollars.

Other than the funding shown in Financial Targets above, no additional council funding is requested. No dividend back to the two contributing councils is recommended.

#### Compensation from Local Authority

The costs of maintaining the collection will be equally funded by Napier City Council and Hastings District Council. Additional funding may be sought from other sources as appropriate.

#### Capital Expenditure

There is no planned expenditure on 'Buildings' or 'Plant and Machinery' for the 2020-2022 periods. Accessions and conservation will be funded from grants, donations, de-accessions, and bequest and investment interest income.

**Hawke's Bay Museums Trust Projected Statements of Financial Position**

| <b>Projected Statements of Financial Position</b> | <b>30/6/2021</b>  | <b>30/6/2022</b>  | <b>30/6/2023</b>  |
|---|-------------------|-------------------|-------------------|
| <b>Current Assets</b>                             |                   |                   |                   |
| Bank Accounts and Cash                            | 44,438            | 44,561            | 44,687            |
| Investments                                       | 625,260           | 625,260           | 625,260           |
| Prepayments and Accrued Revenue                   | 3,409             | 3,409             | 3,409             |
| <b>Total Current Assets</b>                       | <b>673,107</b>    | <b>673,230</b>    | <b>673,356</b>    |
| <b>Non-Current Assets</b>                         |                   |                   |                   |
| Artworks and Collection                           | 41,909,429        | 41,920,779        | 41,932,129        |
| <b>Total Non-Current Assets</b>                   | <b>41,909,429</b> | <b>41,920,779</b> | <b>41,932,129</b> |
| <b>Total Assets</b>                               | <b>42,582,536</b> | <b>42,594,009</b> | <b>42,605,485</b> |
| <b>Current Liabilities</b>                        |                   |                   |                   |
| Accounts Payable and Accruals                     | 5,588             | 5,711             | 5,837             |
| GST Payable                                       | 164               | 164               | 164               |
| Unspent Grants                                    | 0                 | 0                 | 0                 |
| <b>Total Current Liabilities</b>                  | <b>5,752</b>      | <b>5,875</b>      | <b>6,001</b>      |
| <b>Non-Current Liabilities</b>                    |                   |                   |                   |
| Trust Funds Held on Behalf                        | 75,260            | 75,260            | 75,260            |
| <b>Total Non-Current Liabilities</b>              | <b>75,260</b>     | <b>75,260</b>     | <b>75,260</b>     |
| <b>Total Liabilities</b>                          | <b>81,012</b>     | <b>81,135</b>     | <b>81,261</b>     |
| <b>Accumulated Funds</b>                          |                   |                   |                   |
| Retained Earnings                                 | 1,588,336         | 1,599,686         | 1,611,036         |
| Asset Revaluation Reserve                         | 40,375,979        | 40,375,979        | 40,375,979        |
| Special Funds                                     | 537,209           | 537,209           | 537,209           |
| <b>Total Accumulated Funds</b>                    | <b>42,501,524</b> | <b>42,512,874</b> | <b>42,524,224</b> |
| <b>Total Funds Employed</b>                       | <b>42,582,536</b> | <b>42,594,009</b> | <b>42,605,485</b> |

**Financial Reports**

Full and final audited accounts will be included in the 2020/21 Annual Report.

**Reporting against intended performance**

The 2020/21 Annual Report will include comparisons of both financial and non-financial performances against the relevant targets outlined in this Statement of Intent.

**Compensation from Local Authority**

The Board estimates the commercial value of the Hawke's Bay Museums Trust collection will be \$41.9 million (including the Faraday Collection). The collection is revalued at least every three years by an independent registered valuer, to ensure carrying values are not materially different from fair value.

**Faraday Centre**

Trustees are reviewing the future direction of the Faraday Centre. This includes potentially separating this activity from the Hawke's Bay Museums Trust when an appropriate and sustainable model is identified.

### 3. JOINT COMMITTEE MINUTES - OMARUNUI REFUSE LANDFILL AND CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY

|  |   |
|--|---|
| <i>Type of Report:</i>                 | Operational   |
| <i>Legal Reference:</i>                | Local Government Official Information and Meetings Act 1987 |
| <i>Document ID:</i>                    | 905058  |
| <i>Reporting Officer/s &amp; Unit:</i> | Cheree Ball, Governance Advisor                             |

#### 3.1 Purpose of Report

To receive the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting held on 13 December 2019 and the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 4 February 2020.

#### Officer's Recommendation

That Council:

- a. Receive the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting held on 13 December 2019.
- b. Receive the unconfirmed minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 4 February 2020.

#### Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

#### 3.2 Background Summary

The Omarunui Refuse Landfill Joint Committee met on 13 December 2019 and the Clifton to Tangoio Coastal Hazards Strategy Joint Committee met on 4 February 2020 – the unconfirmed minutes of these meetings are **attached**.

#### 3.3 Issues

N/A

#### 3.4 Significance and Engagement

N/A

#### 3.5 Implications

##### Financial

N/A

##### Social & Policy

N/A

##### Risk

N/A

### **3.6 Options**

The options available to Council are as follows:

- a. To receive the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee and Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings.

### **3.7 Development of Preferred Option**

N/A

### **3.8 Attachments**

- A Omarunui Refuse Landfill Joint Committee - Minutes 13 December 2019 [↓](#)
- B Clifton to Tangoio Coastal Hazards Strategy Joint Committee - Minutes 4 February 2020 [↓](#)



## *Hastings District Council*

Civic Administration Building  
Lyndon Road East, Hastings 4156

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**OPEN**

# **MINUTES**

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## **OMARUNUI REFUSE LANDFILL JOINT COMMITTEE**

Meeting Date: **Friday, 13 December 2019**



CG-14-27-00062

1

**Minutes of a Meeting of the Omarunui Refuse Landfill Joint Committee held on  
Friday, 13 December 2019 at 10.30am**

**Table of Contents**

| <b><u>Item</u></b>  | <b><u>Page No.</u></b> |
|---|------------------------|
| 1. Apologies  | 1                      |
| 2. Conflicts of Interest                                      | 1                      |
| 3. Confirmation of Minutes                                    | 1                      |
| 4. Voting Systems for Certain Appointments                    | 2                      |
| 5. Election of Chair and Deputy Chair                         | 2                      |
| 6. Heads of Agreement   | 3                      |
| 7. Three Month Activity Report                                | 3                      |
| 8. Additional Business Items                                  | 3                      |
| 9. Extraordinary Business Items                               | 3                      |
| 10. Recommendation to Exclude the Public from Items 11 and 12 | 4                      |

CG-14-27-00062

1

## HASTINGS DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE OMARUNUI REFUSE LANDFILL JOINT COMMITTEE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 13 DECEMBER 2019 AT 10.30AM

#### PRESENT:

Chair: Cr Redstone (HDC)  
Deputy Chair: Cr Tapine (NCC)  
Councillor Siers (HDC)  
Councillor McGrath (NCC)  
HDC Alternate: Councillor Harvey

#### IN ATTENDANCE:

Group Manager: Asset Management (Mr C Thew)  
Waste and Data Services Manager (Mr M Jarvis)  
Solid Waste Engineer (Mr P Doolan)  
Management Accountant (Mr J Tieman)  
Solid Waste Operations Supervisor (Mr C Morgan)  
General Counsel (Mr S Smith)  
Democracy and Governance Advisor (Mrs C Hilton)

The meeting was opened with the Waste and Data Services Manager, Mr Jarvis, in the Chair. Mr Jarvis remained in the Chair until the Joint Committee had elected its Chair and Deputy Chair.

#### 1. APOLOGIES

Councillor Redstone/Councillor Tapine

That apologies for absence from Councillor Nixon (HDC) be accepted.

**CARRIED**

#### 2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

#### 3. CONFIRMATION OF MINUTES

There were no previous minutes to be confirmed.

CG-14-27-00062

2

**4. VOTING SYSTEMS FOR CERTAIN APPOINTMENTS**

(Document 19/1180) (Alternative Recommendation Wording Circulated at Meeting)

Alternative Recommendation wording (CG-14-27-00064) was circulated at the meeting relating to the use of either System A or System B as provided for by the Local Government Act 2002, for the election of a Chairperson or Deputy Chairperson.

Councillor Redstone/Councillor Tapine

- A) That the Omarunui Refuse Landfill Joint Committee receives the report titled "Voting Systems for Certain Appointments".**
- B) That for the election of the Chair and Deputy Chair of the Omarunui Refuse Landfill Joint Committee, the Committee use the system in the report in A) above called System A as provided for by the Local Government Act 2002.**

**CARRIED**

**5. ELECTION OF CHAIR AND DEPUTY CHAIR**

(Document 19/1181)

The Waste and Data Services Manager, Mr Jarvis, called for nominations for the role of Chair and Deputy Chair.

**Election of Chair**

Councillor Redstone (HDC) was nominated as Chair by Councillor Siers and seconded by Councillor Harvey.

As there were no other nominations, Councillor Redstone was duly elected unopposed as Chair.

**Election of Deputy Chair**

Councillor Tapine (NCC) was nominated as Chair by Councillor Redstone and seconded by Councillor McGrath.

As there were no other nominations, Councillor Tapine was duly elected unopposed as Deputy Chair.

Councillor Siers/Councillor McGrath

- A) That the Omarunui Refuse Landfill Joint Committee receives the report titled "Election of Chair and Deputy Chair".**
- B) That Councillor Redstone (HDC) be appointed as Chair of the Omarunui Refuse Landfill Joint Committee for the next triennium 2019-2021.**
- C) That Councillor Tapine (NCC) be appointed as Deputy Chair of the Omarunui Refuse Landfill Joint Committee for the next triennium 2019-2021.**

**CARRIED**

CG-14-27-00062

3

Following the resolution to confirm the Chair and Deputy Chair, Councillor Redstone assumed the Chair.

## 6. HEADS OF AGREEMENT

(Document 19/1178)

The Waste and Data Services Manager, Mr Jarvis, and the other officers present spoke to the agenda report; introduced themselves to the new members of the Joint Committee and responded to questions from the meeting.

Officers advised that a draft budget would be presented to the next committee meeting on 20 March 2020.

In future, Officers would look to schedule meetings of this Committee and the Joint Council Waste Futures Project Steering Committee on the same day, as most of the members are involved with each of these two meetings.

Officers also advised that in the new year they would organise a more detailed Landfill site tour for new and returning members of this committee.

Councillor Tapine/Councillor Siers

**A) That the Omarunui Refuse Landfill Joint Committee receives the report titled "Heads of Agreement".**

**CARRIED**

## 7. THREE MONTH ACTIVITY REPORT

(Document 19/1182)

The Waste and Data Services Manager, Mr Jarvis, spoke to the agenda report and highlighted the main points. He would get feedback from the users regarding the opening hours currently being trialled, as outlined in the report, and would report back to the committee.

Councillor Redstone/Councillor Tapine

**A) That the Omarunui Refuse Landfill Joint Committee receives the report titled "Three Month Activity Report".**

**CARRIED**

## 8. ADDITIONAL BUSINESS ITEMS

There were no additional business items.

## 9. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

CG-14-27-00062

4

**10. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEMS 11 AND 12**

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Redstone/Councillor Siers

**THAT the public now be excluded from the following parts of the meeting, namely;****11 Engagement of Tonkin and Taylor for Landfill Consultancy Services****12 Review of Disposal Fees**

The general subject of each matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

| <i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>                      | <i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>   | <i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>  |
|---|--|--|
| <b>11 Engagement of Tonkin and Taylor for Landfill Consultancy Services</b> | <p><b>Section 7 (2) (h)</b></p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable the Committee to undertake negotiations.</p> | <p><b>Section 48(1)(a)(i)</b></p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p> |
| <b>12 Review of Disposal Fees</b>   | <p><b>Section 7 (2) (h)</b></p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable Council to undertake negotiations.</p>       | <p><b>Section 48(1)(a)(i)</b></p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p> |

**CARRIED**The meeting closed at 11.40amConfirmed:Chairman:Date:



## Unconfirmed

### MINUTES OF A MEETING OF THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

**Date:** Tuesday 4 February 2020

**Time:** 10.00am

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** Cr Hinewai Ormsby – HBRC  
Cr Jerf van Beek – HBRC  
Deputy Mayor Tania Kerr – HDC  
Cr Ann Redstone – HDC  
Cr Malcolm Dixon – HDC  
Deputy Mayor Annette Brosnan – NCC  
Cr Keith Price – NCC  
Cr Nigel Simpson (for Cr Hayley Browne) – NCC  
Peter Paku – Heretaunga Tamatea Settlement Trust  
Tania Huata – Mana Ahuriri Trust

**In Attendance:** Simon Bendall – Traverse Environmental Limited  
Chris Dolley, Group Manager Asset Management – HBRC  
Craig Goodier, Team Leader Engineering – HBRC  
A Roets – Governance Administration Assistant

**1. Welcome/Apologies/Notices**

The Interim Chair, Chris Dolley welcomed everyone to the first Joint Committee meeting of this triennium and Tania Huata opened with a karakia.

The Interim Chair advised that he will act as that capacity until a new Chair has been appointed in accordance with the Joint Committee's Terms of Reference.

**Resolution**

CL1123/20 That the apologies for absence from Cr Rick Barker, Cr Hayley Browne and Tania Hopmans be accepted.

Kerr/Redstone  
**CARRIED**

**2. Conflict of Interest Declarations**

There were no Conflict of Interest Declarations.

**3. Confirmation of Clifton to Tangoio Coastal Hazards Strategy Joint Committee Member Appointments**

The item was taken as read, and noted that two councils (HBRC and HDC) are still to appoint alternates and advise those appointments prior to the next meeting.

**CL1124/20 Resolutions**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

1. Receives and notes the *Confirmation of Clifton to Tangoio Coastal Hazards Strategy Joint Committee Member Appointments* staff report.
2. Confirms the appointments of the following as members of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:
  - 2.1. Representatives of Hawke's Bay Regional Council – Councillors Rick Barker, Hinewai Ormsby and Jerf van Beek
  - 2.2. Representatives of Hastings District Council – Councillors Tania Kerr, Ann Redstone and Malcolm Dixon
  - 2.3. Representatives of Napier City Council – Councillors Annette Brosnan, Hayley Browne, Keith Price and Nigel Simpson (alternate)
  - 2.4. Representative of Heretaunga Tamatea Settlement Trust – Peter Paku
  - 2.5. Representative of Mana Ahuriri Inc – Tania Huata
  - 2.6. Representative of Maungaharuru-Tangitū Trust – Tania Hopmans.

Redstone/van Beek  
**CARRIED**

**4. Clifton to Tangoio Coastal Hazards Strategy Joint Committee Terms of Reference**

The Interim Chair reported that, other than some minor clarifications and updates, the Terms of Reference remained substantially unchanged since originally developed in 2014.

- TAG had raised that there could be some benefits to appoint an independent chair to help navigate complex matters, particularly in relation to funding
- The Committee requested that TAG provide guidance in how the process will work appointing an independent chair and the funding thereof
- First step was to have a discussion to investigate whether this would be

- something that the Committee would look at
- The strongest focus is around independence in the discussions and debate through the funding mechanisms
- More work to be done identifying the role and skills required for an independent chair to be appointed
- An overview of the roles and responsibilities of the Technical Advisory Group (TAG) was requested, and the Chair explained this to new committee members
- The committee agrees to not alter the Terms of Reference at the time, and to appoint a Chair from this Committee, but to have the opportunity to appoint an independent Chair to help navigate issues as required
- A paper from TAG will be presented to the next meeting outlining the options, potential appointment process, skills requirements, benefits and disadvantages to the appointment of an independent chair/facilitator.

**CL1125/20 Resolutions**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

1. Receives and considers the *Joint Committee Terms of Reference* staff report
2. Agrees that the decisions to be made are not significant under the criteria contained in Councils' adopted Significance and Engagement policies, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring with the community.
3. Recommends the agreed Terms of Reference as proposed to the Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri Inc, Napier City Council, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust for adoption.
4. Agrees that options for the appointment of an independent chair or Facilitator will be explored and reported to the 1 May 2020 Joint Committee meeting for consideration..

**Kerr/van Beek  
CARRIED**

**5. Election of Chair and Deputy Chair**

The Interim Chair noted that the Committee elects a Chair and two Deputy Chair's as stipulated by the Terms of Reference. Discussions traversed:

- The Committee has been asked by the show of hands who would be willing to stand for Chair
- Cr Jerf van Beek responded that he had been asked by the previous Chair, Cr Peter Beaven to stand for nomination to be elected as the Chair of this Committee
- Discussion around Cr van Beek's nomination in terms of his background, expertise and experience, his goals and aspirations particularly through the complexities of previous discussions
- Cr van Beek gave a brief overview of his background and experience and his belief that he has the skills and expertise to stand as Chair
- Cr Malcolm Dixon nominated Cr Jerf van Beek as Chair of this Committee, seconded by Cr Annette Brosnan
- Cr Ann Redstone nominated both Deputy Mayors from Hastings District Council and Napier City Council to be appointed as Deputy Chair's, seconded by Cr Jerf van Beek
- Chris Dolley stepped down as Interim Chair at 10.38am and Cr Jerf van Beek resume as Chair
- The Committee congratulated the appointments .

**CL1126/20 Resolutions**



That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

1. Receives and considers the *Election of Chair and Deputy Chair* staff report
2. Agrees that the decisions to be made are not significant under the criteria contained in Councils' adopted Significance and Engagement policies, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring with the community.
3. Elects Councillor Jerf van Beek as the Chair of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

**Dixon/Brosnan  
CARRIED**

4. Elects Deputy Mayor Annette Brosnan (Napier City Council) and Deputy Mayor Tania Kerr (Hastings District Council) as the Deputy Chairpersons of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

**Redstone/van Beek  
CARRIED**

## 6. Coastal Hazards Strategy

Chris Dolley and Simon Bendall presented a high level overview of the Strategy process to date. Discussions traversed:

- The Strategy is now in Stage 4 (Implementation Planning and Response) of a four-stage development process which begun in 2014
- The vision for the Strategy is that Communities and businesses are resilient to the effects of coastal hazards
- Hazards in scope are inundation and coastal erosion
- Stage 1 (Defining the Problem) was the identification of the extent of coastal erosion and coastal inundation hazards out to 2120 and the risks these present
- Stage 2 (Framework and Decision) included the development of a decision-making framework for the 100-year Strategy, based on a community decision-making model – guided in part by the Ministry for the Environment's guidance for local government
- An initial funding model was developed that included the proposed establishment of a Coastal Contributory Fund
- Stage 3 (Develop Response) commenced in 2017 and involves the implementation of the decision-making framework development (Stage 2)
- The Northern and Southern Assessment panels were formed to consider 16 coastal Units, and of those 9 were prioritised for assessment.
- Six potential pathways were developed for each priority unit
- The Assessment panels developed a 100-year pathway and each pathway is built from a combination of short, medium and long term hazard response actions
- Capital construction and maintenance costs for each pathway were introduced
- Each pathway is adaptive and each timeline (short, medium and long term hazard response) can be brought forward or delayed, depending on environmental influences like sea level rise
- The Strategy will be reviewed every 10 years to ensure that the pathways remain fit for purpose
- Challenges around funding matters, particularly on questions on responsibility and accountability for establishing a Coastal Contributory Fund remain unresolved
- A comprehensive update on the various work streams have been reported and is reflected in the agenda item
- Consensus has been reached that a contributory fund should be created, but different views on how this should work (Lead Agency, Governance, Asset (debt) ownership)

- Suggested pathway forward will be to increase base project funding, work towards a decision on contributory fund and funding model, public consultation and introduction of new rate
- Proposed that a one page summary document be provided post each Joint Committee meeting to partner Councils to bring them up to date with discussions undertaken; that a TAG member be present during Council meetings to answer any technical questions arising from the report
- Proposed that TAG present a paper to the next meeting on what a Coastal Contributory fund is and what it is going to fund, different models and the rules and regulations around the fund (technical report)
- Requested that the Draft Funding Deed to be distributed to committee again.
- Proposed to have a joint Coastal Hazards briefing workshop with partner Councils (preferably early March).

CLI127/20 **Resolution**

That the Clifton to Tangoio Coastal Hazard Joint Committee receives the "*Coastal Hazards Strategy*" report.

**Kerr/Brosnan  
CARRIED**

**7. Communication and Engagement Plan**

Rebecca Ashcroft-Cullen, Communications Advisor provided an overview of the planning communications activities for 2020 for the Clifton to Tangoio Coastal Hazards Strategy. Discussions traversed:

- The comms plan provided an outline of the target audience, key messages and an activity plan for the year and included councillor engagement opportunities
- The aim of the plan is to inform and engage the community, Iwi, councillors and other stakeholders
- One of the mechanism for this is a quarterly newsletter – will be updated throughout the year – the first such newsletter was published in December 2019
- TAG seeks the committees feedback/direction on the proposed comms plan
- Proposed to have a one pager for information/media release on key points of discussed items/highlights on the Strategy

CLI128/20 **Resolutions**

1. That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "*Communication and Engagement Plan*" report.
2. That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee endorses the Communications Plan for 2020.

**Brosnan/Redstone  
CARRIED**

**8. Actions Update**

The item was taken as read

CLI129/20 **Resolution**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the "*Actions Update*" staff report.

**Kerr/Brosnan  
CARRIED**

Tania Huata closed the meeting with a karakia.

**Closure:**

There being no further business the declared the meeting closed at 12.21pm on Tuesday, 4 February 2020.

Signed as a true and correct record.

**DATE:** .....

**CHAIR:** .....

## 4. ACTIONS FROM PREVIOUS MEETINGS

|                             |                                 |
|-----------------------------|---------------------------------|
| Type of Report:             | Procedural                      |
| Legal Reference:            | N/A                             |
| Document ID:                | 906392                          |
| Reporting Officer/s & Unit: | Cheree Ball, Governance Advisor |

### 4.1 Purpose of Report

To present the actions from previous meetings for awareness.

#### Officer's Recommendation

That Council:

- a. Note the actions from previous meetings along with their current status.

#### Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

### 4.2 Actions Table

| Meeting/ Date         | Item No. | Action   | Responsible Directorate            | Status   |
|-----------------------|----------|--|------------------------------------|--|
| Induction intro       |          | Sean Bevan to be invited to talk to Council about regional and ward stats in early 2020 to align with pre-LTP information  | City Strategy                      | Will be arranged to align with LTP and DP work programme                   |
| Council<br>19.11.2019 | 1        | Scientific evidence is being collected currently to measure if stormwater contamination is dropping.<br><br>Results from this assessment will be reported quarterly moving forward through the Sustainable Napier Committee. | Infrastructure                     | Underway.<br><br>May not be quarterly – dependent on when data is received |
| Council<br>05.12.2019 | 5        | Costings around refurbishment of the Civic Building to be provided to Councillors,   | Corporate – Finance/ City Strategy | Timeline/ background to date to be reviewed with elected members           |

| Meeting/ Date                          | Item No.      | Action   | Responsible Directorate                        | Status                                   |
|--|---------------|--|--|--|
|  |               | ie. why was refurbishment ruled out?   |  |  |
| Audit and Risk<br>05.12.2019           | 3             | <p>A specific Health and Safety section is to be included in the Charter as per the Chair's recommendation earlier this year.</p> <p>Any further Charter update requests to be provided to the Chair and Director Corporate services by email; an updated document will be brought to the March 2020 Audit and Risk Committee meeting for consideration.</p> | Corporate – Finance / Audit and Risk Committee | Programmed for early 2020                |
| Audit and Risk<br>05.12.2019           | 7             | It was agreed that for those recommendations in the Audit NZ management report which were not annual in nature, an update would be provided to the next Audit and Risk Committee meeting in March 2020.  | Corporate – Finance                            | Programmed for early 2020                |
| Council<br>19.12.2019                  | A&R 5         | Councillors noted their preference that the Chief Executive's financial delegation be brought back to Council for review say every three years.  | Corporate                                      | To be programmed for review three yearly |
| Sustainable Napier<br>13.02.2020       | Minor matters | To provide an update to Council regarding the timeframe for the second de-chlorinated water station.   | Infrastructure                                 | Officers to follow up                    |
| Napier People and Places<br>27.02.2020 | 4             | Council officers to follow up concerns raised by the deaf  | Community Services                             | Officers to follow up                    |

| Meeting/ Date                   | Item No. | Action  | Responsible Directorate | Status   |
|---------------------------------|----------|---|-------------------------|----------|
|                                 |          | community following the public meeting regarding gangs, held in Taradale.   |                         |          |
| Prosperous Napier<br>27.02.2020 | 4        | Officer's to refine the Policy wording in accordance with the concerns raised by Councillors, and bring the updated Policy back to the next Council meeting for adoption. | Corporate Services      | Underway |

#### 4.3 Attachments

Nil

# REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

## REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 13 FEBRUARY 2020

### 1. NATIONAL AQUARIUM DETAILED BUSINESS CASE

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Procedural                                       |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 841656   |
| <i>Reporting Officer/s &amp; Unit:</i> | Antoinette Campbell, Director Community Services |

#### 1.1 Purpose of Report

The purpose of the report is to receive the National Aquarium of New Zealand Detailed Business Case (DBC), approve the communications and engagement plan, and apply to the Provincial Growth Fund and Government for funding.

#### At the Meeting

The Director Community Services spoke to the report, noting that the proposal has changed significantly from the Indicative Business Case and original consultation. She provided an extensive overview of the process followed to date, outlined the options available to Council and covered the officer's recommendations as set out in the report.

The Principal Māori Advisor spoke to the Cultural Case, which is included in the Detailed Business Case, and advised that an aquarium based on indigenous knowledge would be a global first. The Cultural Case and Detailed Business Case marry indigenous knowledge with western science for a better understanding of our environment as a whole. He suggested that, should the proposal proceed to the revenue generation stage, that Ngāti Kahungunu post-settlement entities should be approached before pursuing other potential partnerships.

The General Manager for the National Aquarium of New Zealand discussed the changing nature of aquaria, noting that this proposal is an opportunity for Council to be inclusive of our community both regionally and nationally and to do this properly.

In response to questions from Councillors, the following points were clarified:

- Officers are currently in the process of arranging meetings with the appropriate Ministers. These meetings will need to happen before Council can submit their Provincial Growth Fund (PGF) application.
- Ngāti Kahungunu have endorsed the proposal and intend to accompany the Mayor to any meetings with Ministers in Wellington, in support.
- Other partners, such as Hawke's Bay Regional Council, will be approached through the consultation process. It was noted that there is already visibility around this with other Councils as the proposal sits within the Matariki RDS plan.
- The projections around tourism numbers have been compiled based on business as usual; it is not possible to forecast any pandemics/ emergencies etc. that may impact visitor numbers. Council officers noted that the visitor numbers are considered to be conservative.
- The Director Corporate Services spoke to the ongoing operational costs and confirmed that the operating deficit currently sits with Council; however, the Detailed Business Case is a starting point for discussion and there are opportunities to look at depreciation and other ways the deficit could be reduced.
- A specialist financial modeller has been brought in and has been working through the financials with Terra Moana. The financial model has been a joint effort and provides transparency around costs.
- The specialist fundraisers who pulled together the strategy and implementation plan (the plan) believe that the project will appeal to investors. The plan states that it will be important to gain the backing of a high net worth individual in order to attract other investors. Officers confirmed that the revenue generation specialists are confident that the project will be able to achieve the target of \$40Million.
- The Principal Māori Advisor confirmed that the compelling Cultural Case is an invitation for Māori to invest both financially and culturally in this facility. Initial discussions have indicated a high likeliness for Māori to invest; however, formal discussion cannot take place until Council is able to present their Detailed Business Case.
- Government funding has not come through for the second half of the business case yet, and officers have not yet received confirmation whether the application has been approved or not.
- Without Central Government backing the project will not proceed further and Council will then need to consider options for the facility moving forward.
- There are limits on what can be approved through the Provincial Growth Fund and officers have been advised that since the proposal is of National significance it will need to go through Cabinet first.

A number of Councillors advised that they were not comfortable proceeding further until the meetings with Ministers had taken place and the extent of Government's support was known.

*Councillors Browne and Mawson left the meeting at 11.10am.*



*The Chair adjourned the meeting at 11.11am to allow for a short break. Councillors Browne and Mawson returned to the meeting during the break and the meeting reconvened at 11.15am.*

Councillor Simpson moved an amended motion, excluding part d. of the officer's recommendation, seconded by Councillor Browne. Following debate, the motion was lost with Deputy Mayor Brosnan foreshadowing further amendments.

A new substitute motion was moved by Deputy Mayor Brosnan, seconded by Mayor Wise.

*The Chair adjourned the meeting at 11.39am for administrative purposes, and reconvened at 11.49am.*

The wording of the motion was workshopped during the meeting by Councillors, with a number of Councillors noting that they would ideally like to see a contribution towards ongoing operational costs from Government.

### **Substitute Motion**

#### **Committee's recommendation**

Deputy Mayor Brosnan / Mayor Wise

That the Sustainable Napier Committee:

- a. Receive the National Aquarium Detailed Business Case.
- b. Receive the National Aquarium and Oceans Centre Concept Design.
- c. Note Council's view that this project is of National significance and has outgrown Council's capacity to resource and lead.
- d. Note Council's support and endorsement for the concept and this facility's ongoing presence in Napier.
- e. Confirms it will not further the project as set out in the detailed business case without:
  - Government capital support of a minimum of \$35Million.
  - a commitment to ongoing operational costs from Government in recognition that the facility is of National significance.
  - the conversations with Government being reported back to Council along with recommendations on the next steps.
- f. Approve the high level Communications and Engagement Plan and commence community engagement following Government endorsement as detailed in part e.
- g. Resolve to apply to the Ministry of Business, Innovation and Employment (MBIE) Provincial Growth Fund (PGF) and other government funds for funding pending meeting with relevant Ministers.

*The motion was declared carried by 12 votes to 1 vote. Councillor Tapine voted against the motion.*

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Carried

## REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 27 FEBRUARY 2020

### 1. HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP ANNUAL REPORT 2018/19

|                             |  |
|-----------------------------|--|
| Type of Report:             | Information                                      |
| Legal Reference:            | N/A  |
| Document ID:                | 896904   |
| Reporting Officer/s & Unit: | Antoinette Campbell, Director Community Services |

#### 1.1 Purpose of Report

To receive the Hawke's Bay Civil Defence Emergency Management Group Annual Report 2018/19.

#### At the Meeting

Ian MacDonald from the Hawke's Bay Civil Defence Emergency Management Group (HBCDEM Group) spoke to the report and clarified the following points in response to questions from Councillors:

- The HBCDEM Group hub is located in Hastings.
- The HBCDEM Group fulfil an advocacy role in relation to the local territorial authorities respective District Plans and are already working with Council officers in this space.
- Regarding Coronavirus, the District Health Board (DHB) is the lead agency for any pandemic. The HBCDEM Group's role is to support the DHB in relation to welfare. Contingencies are being put in place and the HBCDEM Group are currently working on their action plan.
- The Ministry of Health website provides information for the public in relation to Coronavirus.

#### Committee's recommendation

Councillors Browne / Mawson

The Napier People and Places Committee:

- a. Receive the Hawke's Bay Civil Defence Emergency Management Group Annual Report 2018/19.

Carried

## 2. NAPIER POSITIVE AGEING STRATEGY

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 881939

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*Reporting Officer/s & Unit:* Michele Grigg, Senior Advisor Policy

### 2.1 Purpose of Report

To seek Council approval to adopt the finalised Napier Positive Ageing Strategy, which incorporates feedback on the draft received from the community.

#### At the Meeting

The Manager Community Strategies and Senior Advisor Policy spoke to the report and provided a brief overview of the process undertaken to date.

In response to questions from Councillors, the following points were clarified:

- The implementation plan will be developed by the Advisory Group, once established. Council officers expect this to take around 6-12 months. The Advisory Group will need to undertake a priority setting exercise first; however, initiatives have already and will continue to be implemented in the meantime.
- It is anticipated that each of the priority areas will involve partnerships with appropriate organisations already working in that space. Small project teams will be established for each of the priority areas in order to manage actions.

#### Committee's recommendation

Councillors Wright / Mawson

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The Napier People and Places Committee:

- a. Adopt the final Napier Positive Ageing Strategy.

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Carried

### 3. SAFER NAPIER PROGRAMME - ANNUAL UPDATE

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|                             |                                      |
|-----------------------------|--------------------------------------|
| Type of Report:             | Information                          |
| Legal Reference:            | N/A                                  |
| Document ID:                | 889350                               |
| Reporting Officer/s & Unit: | Michele Grigg, Senior Advisor Policy |

#### 3.1 Purpose of Report

To provide a summary of the 2018-2019 year of the Safer Napier programme, including key highlights and benefits to Council and the Napier community.

#### At the Meeting

The Senior Advisor Policy and Manager Community Strategies spoke to the report, noting the annual update is for the 12 months ending 30 June 2019.

In response to questions from Councillors, the following points were clarified:

- The Safe as Houses programme is run in conjunction with Neighbourhood Support, as well as other agencies including Kāinga Ora and the Police.
- Neighbourhood Support follow up with individuals interested in joining or starting a neighbourhood support group.
- The Safer Napier programme is working on projects in response to the increase in assaults/ domestic violence and addiction related harm, as well as supporting others working in these areas.
- There has been no increase in funding for the Safer Napier programme over the last five years. The organisations Council is working with tend to be the service delivery arm of their agencies and do not have funding to deal with responses. There are also hidden costs to Council i.e. staff resources.
- There has been representation from mana whenua partners in the past but their involvement has been in connection to projects that aligned with their key areas of focus at the time. Council officers would be interested in working with mana whenua in whatever capacity they wish to be involved.
- It was noted that officers are aware that the Sophie Elliott Foundation was winding up and were in talks around whether the Police will continue this work. Officers advised that the Police run their own programmes in this space also.

#### Committee's recommendation

Mayor Wise / Councillor Crown

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The Napier People and Places Committee:

- a. Note the Safer Napier programme update.
- 

Carried

#### 4. NAPIER SOCIAL MONITOR REPORT - 2019

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|                             |                                      |
|-----------------------------|--------------------------------------|
| Type of Report:             | Information                          |
| Legal Reference:            | N/A                                  |
| Document ID:                | 890440                               |
| Reporting Officer/s & Unit: | Michele Grigg, Senior Advisor Policy |

##### 4.1 Purpose of Report

To provide a summary of findings from the 2019 Napier Social Monitor report.

##### At the Meeting

The Senior Advisor Policy and Virgil Troy of SIL Research spoke to the report noting that the report is a snapshot in time and provides a good baseline which Council can track over time. They confirmed that the results will be made available to colleagues and other key agencies including the DHB, Safer Napier partners and Kāinga Ora.

In response to questions from Councillors, the following points were clarified:

- Council can keep up with more recent figures through the quarterly surveys.
- Council officers confirmed that there are a number of measures in place to support Taradale residents and retailers with their current safety concerns, and agreed that it would be beneficial to get a feel for how recent events have impacted the rest of the city also.
- The question around resident activity is a new question which Council will be able to track over time.
- Officers noted that they had been surprised by the lack of emergency preparedness, despite increased discussions and awareness around this.

**ACTION:** Council officers to follow up concerns raised by the deaf community following the public meeting regarding gangs, held in Taradale.

##### Committee's recommendation

Councillors Wright / Chrystal

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The Napier People and Places Committee:

- a. Receives the Napier Social Monitor report 2019.

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Carried

## 5. LEASE OF RESERVE - HAWKE'S BAY VOLUNTEER COASTGUARD CHARITABLE TRUST

|                             |   |
|-----------------------------|---|
| Type of Report:             | Legal   |
| Legal Reference:            | Reserves Act 1977   |
| Document ID:                | 890479  |
| Reporting Officer/s & Unit: | Bryan Faulknor, Manager Property<br>Jenny Martin, Property and Facilities Officer |

### 5.1 Purpose of Report

To obtain Council approval to enter into a new ground lease with the Trustees of the Hawke's Bay Volunteer Coastguard Charitable Trust at Meeanee Quay for ten years with one right of renewal.

#### At the Meeting

The Building Manager spoke to the report, noting that Council is taking the opportunity to align the ground lease at Meeanee Quay with Council's other standard leases of reserves.

#### Committee's recommendation

Councillors Taylor / Tapine

The Napier People and Places Committee:

- a. Recommend Council agree to enter into a ground lease pursuant to Section 61(2A) of the Reserves Act 1977 with the Trustees of the Hawke's Bay Volunteer Coastguard Charitable Trust for the land on Meeanee Quay, Westshore, with a legal description of Section 4 SO Plan 10927. The lease term to be ten years with one right of renewal and based on Council's standard format for ground leases to community groups.

Carried

## REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 27 FEBRUARY 2020

### 1. RESERVE FUNDING CHANGES

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Legal and Operational                        |
| <i>Legal Reference:</i>                | Local Government Act 2002                    |
| <i>Document ID:</i>                    | 872505                                       |
| <i>Reporting Officer/s &amp; Unit:</i> | Adele Henderson, Director Corporate Services |

#### 1.1 Purpose of Report

To approve changes to Financial Reserves and reserve funding.

Note: this report was initially taken to the Council meeting held on 19 November 2019 where it was laid on the table.

#### At the Meeting

The Chief Financial Officer spoke to the report, providing a brief overview and outlining the Councillor review process to date.

In response to questions from Councillors, the following points were clarified:

- The Te Awa Structure Plan was removed in the Long Term Plan 2018-28 as the land was considered to be too expensive to develop. Since then, Council has made a commitment to review the Te Awa Structure Plan and a project manager is on board at present to pull this together. Council currently has funds available to keep up with key works and Councillor workshops are booked in relation to developments in this area.
- The storm water model was recently completed and the storm water master planning is now underway, network-wide.
- All monies coming in and going out from the Te Awa Structure Plan are accounted for.
- The Financial and Development Contributions Reserve will be left with funds allocated specifically for growth development as per the Financial and Development Contribution policy

The Mayor noted her discomfort in relation to removing funds from the Financial Contributions Reserve before modelling for the Te Awa Structure Plan had been completed.

### **Committee's recommendation**

Councillors Tapine/ Mawson

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The Prosperous Napier Committee:

- a. Approve the transfer of rates funds of \$7,410,078, previously transferred into the Financial Contributions Reserve, back into the Subdivision and Urban Growth Fund.
- b. Transfer the General Reserve No 1 remaining reserve balance of \$20,681 as at 30 June 2019 to the Capital Reserve Account.
- c. Approve a change in funding, for the following existing projects to now be funded from the Subdivision and Urban Growth Fund
  - i. District Plan Review (\$1.2m total)
  - ii. Asset Management Transformation Project (\$225,000 2019/20 and \$1.5m in total)
  - iii. Te Awa Development Investigation (\$255,500 2019/20)
- d. Approve a change in funding, the following existing projects to now be funded from the Solid Waste Disposal Income Account.
  - i. Smoothing impact of Kerbside recycling in 2019/20 and 2020/21 (\$1.3m)

*The mayor voted against the motion*

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Carried



## 2. HAWKE'S BAY AIRPORT LTD HALF YEAR REPORT TO 31 DECEMBER 2019

|                             |   |
|-----------------------------|---|
| Type of Report:             | Operational                               |
| Legal Reference:            | Local Government Act 2002                 |
| Document ID:                | 895314                                    |
| Reporting Officer/s & Unit: | Caroline Thomson, Chief Financial Officer |

### 2.1 Purpose of Report

To receive the half year report to shareholders from Hawke's Bay Airport Limited to 31 December 2019.

#### At the Meeting

The Director Corporate Services spoke to the report and reiterated previous advice to Council that no dividend would be paid for this financial year. It was noted that Councillors attended a briefing earlier in the week at the Hawke's Bay Airport, giving them a better understanding of the airport business.

#### Committee's recommendation

Councillors Chrystal / Price

The Prosperous Napier Committee:

- a. Receive the Hawke's Bay Airport Limited half year report to shareholders, to December 2019.

Carried

### 3. DIGITAL PROPERTY FILE FEE AMENDMENT

|                             |  |
|-----------------------------|--|
| Type of Report:             | Operational and Procedural                   |
| Legal Reference:            | N/A  |
| Document ID:                | 902624                                       |
| Reporting Officer/s & Unit: | Rachael Horton, Manager Regulatory Solutions |

#### 3.1 Purpose of Report

To review the fee for a digital property file contained in the Schedule of Fees and Charges for 2019/20 with a view to amending the fee and offering an additional service option.

#### At the Meeting

The Manager Regulatory Solutions spoke to the report noting an error in the recommendation, that the Building File only fee should be \$30.

In response to questions from Councillors, the following points were clarified:

- Council officers use their discretion in relation to charging in rare instances where the property file does not hold the required information.
- Previously the public have been able to access the physical file at customer services. This practice was good for the user; however, Council officers consider that access to the hard copy file should be restricted in order to preserve the integrity and quality of the file.
- The current file fee has been in place since 1 July 2019 and feedback from users is that the fee is too high.
- For those that do not have access to a computer, the public will be able to request to view the property file using the computers in customer services.
- The digitising project is currently around 32% complete. The project is tracking well and has been brought in-house to ensure the required quality and turnaround is achieved.
- Paper copies may be considered on a case by case basis; however, the work involved is the same and charging would still be required.
- Once the files are digitised, the hard copy files are then tagged and prepared for archiving - bulk archiving will be undertaken. As with most Council official information, there are rules around how property files must be archived.
- Other Councils have different methods of funding for this service. Council officers advised that they consider the property file service to be a user benefit and should therefore be user pays.

A number of Councillors expressed their preference to expedite the decision in order to reduce the fee as soon as possible. It was agreed that a Decision of Council should be made at the meeting.

#### **Officer's Recommendation**

The Prosperous Napier Committee:

- a. Resolve to amend the fees for digital property files to the following:

|                            |      |
|----------------------------|------|
| Full digital property file | \$40 |
| Building File only         | \$20 |

- i. A reduced fee of \$15 will be charged if a customer subsequently requests a full digital property file on a property after previously only requesting a Building File.

#### **DECISION OF COUNCIL**

**At  
Prosperous  
Napier  
Committee 27  
February  
2020**

Councillors Wright / Boag

That Council:

- a. Resolve to amend the fees for digital property files to the following:

|                            |      |
|----------------------------|------|
| Full digital property file | \$40 |
| Building File only         | \$30 |

- i. A reduced fee of \$15 will be charged if a customer subsequently requests a full digital property file on a property after previously only requesting a Building File.

Carried

## 4. POLICY - COUNCIL ORGANISATION APPOINTMENTS AND REMUNERATION

|                             |  |
|-----------------------------|--|
| Type of Report:             | Operational                                    |
| Legal Reference:            | Local Government Act 2002                      |
| Document ID:                | 902626   |
| Reporting Officer/s & Unit: | Devorah Nicuarta-Smith, Team Leader Governance |

### 4.1 Purpose of Report

To present the Council Organisation Appointments and Remuneration Policy for adoption.

#### At the Meeting

A number of Councillors questioned the wording in the following sections of the Council Organisation Appointments and Remuneration Policy:

- *Required Skills and Experience* - the use of 'intellectual ability'
- *Conflicts of Interest* - at the 'pleasure' of the Council

**ACTION:** Officer's to refine the Policy wording in accordance with the concerns raised by Councillors, and bring the updated Policy back to the next Council meeting for adoption.

#### Committee's recommendation Substitute Motion

Mayor Wise / Councillor Brosnan

The Prosperous Napier Committee:

- a. Request Council officer's to review the required skills and experience criteria and other suggested amendments with regard to wording of the Council Organisation Appointments and Remuneration Policy and bring this back to the next Council meeting for adoption.

Carried

# REPORTS UNDER DELEGATED AUTHORITY

## 1. TENDERS LET

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 906164   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

### 1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 7 January – 21 February 2020.

#### Officer's Recommendation

That Council:

- a. Receive the Tenders Let for the period 7 January – 21 February 2020.

#### MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

## CONTRACTS OVER \$100,000 LET UNDER CHIEF EXECUTIVE/DIRECTOR INFRASTRUCTURE DISCRETION

### Contract 1186 – Riddell Street Area Wide Pavement Treatments

Two tenders were received ranging from \$259,861.64 to \$320,120.00 excluding GST.

The Engineers estimate was \$223,817.50 excluding GST.

It was recommended that the tender from Higgins Contractors Ltd be accepted in the sum of \$259,861.64 excluding GST.

### Contract 1220 Hardinge Road Erosion Control Stage 5

Contract let under approved sole source.

The Engineer's estimate was \$267,275.00.

It was recommended that the contract be awarded to Hawkes Bay Regional Council in the sum of \$275,590.00.

This recommendation was approved.

**Contract 1246 Professional Service for Developing Stormwater Master Plan 2020 to 2050**

Two tenders were received.

The Engineer's estimate was \$250,000.00.

It was recommended that the tender from Stantec be accepted in the sum of \$255,693.00.

This recommendation was approved.

**Contract 1247 Professional Services for Developing Napier Wastewater Network Plan 2020 to 2050**

Three tenders were received.

The Engineer's estimate was \$250,000.00.

It was recommended that the tender from GHD be accepted in the sum of \$125,000.00.

This recommendation was approved.

**1.2 Attachments**

Nil

## 2. RESOURCE CONSENTS

---

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 906175   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

### 2.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 7 January – 21 February 2020.

#### Officer's Recommendation

That Council:

- a. Resolves to receive the report titled 'Resource Consents approved 7 January – 21 February 2020'.

---

#### MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

### 2.2 Attachments

- A Resource Consents 7 January - 21 February 2020 [↓](#)

**Resource Consents (Subdivision & Land Use) Approved between 7 January 2020 – 21 February 2020**

| Consent Number | Site Location         | Applicant                       | Proposal  | Activity Status          | Decision Date   |
|----------------|-----------------------|---------------------------------|---|--------------------------|-----------------|
| RM190147       | 150 Guppy Rd          | Classic Developments Guppy Ltd  | Establish temporary signage (marketing a residential development at 150 Guppy Rd) exceeding size threshold with the Main Residential zone                                     | Restricted Discretionary | 7 January 2020  |
| RMS19086A      | 34 Anzac Ave          | Brekat Property Ltd             | Variation to approved resource consent RMS19086 to reduce lot 2 access width, remove right of way and add right to access for maintenance                                     | Controlled               | 9 January 2020  |
| RMS19107       | 70 Tennyson St        | Wallace Development Company Ltd | Unit title subdivision of an existing building (three residential apartments, three commercial units and ten car parks) within the Inner City Commercial zone (Vero Building) | Unit Title               | 9 January 2020  |
| RMS19105       | 51 Penrith Rd         | B Leppard                       | Rural Residential zone subdivision to create one additional lot (two in total)  | Controlled               | 9 January 2020  |
| RM190154       | 12 Manapouri          | Platinum Hotels Ltd             | Construct a dwelling with garage infringing the 5m front yard within the Main Residential zone  | Restricted Discretionary | 10 January 2020 |
| RMS19061       | 32 Kaiangaroa Pl      | AJ, CB & KDS Pearce             | Rural Residential zone subdivision to create one additional lot (two in total)  | Non-complying            | 16 January 2020 |
| RMS19104       | 257 Riverbend Rd      | M & V Milne                     | Main Rural zone subdivision to create one additional lot (two in total) not complying with the required minimum lot size  | Non-complying            | 16 January 2020 |
| RMS19110       | 29 & 31 Masefield Ave | T Clements                      | Main Residential zone subdivision creating two additional lots (four in total)  | Restricted Discretionary | 20 January 2020 |



|           |                                   |                                 |  |                          |                  |
|-----------|-----------------------------------|---------------------------------|--|--------------------------|------------------|
| RMS19108  | 24 Trevelyan St                   | Kainga Ora                      | Main Residential zone subdivision to create two additional lots (three in total) and an associated multi-unit residential development entailing three two-bedroom dwellings                            | Restricted Discretionary | 23 January 2020  |
| RM190137  | 160 & 164 Taradale Rd             | Mobil Oil New Zealand Ltd       | Earthworks to install new Diesel Exhaust Fluid tank and dispenser with NES for accessing contaminants of soil and make changes to signage  | Discretionary            | 23 January 2020  |
| RMS19117  | 66 Douglas McLean Ave             | K Smith                         | Main Residential zone subdivision to create one additional lot (two in total)  | Controlled               | 29 January 2020  |
| RMS19111  | 61A & 61B Masefield Ave           | EM Pratt                        | Main Residential zone subdivision to create two additional lots (four in total)  | Restricted Discretionary | 29 January 2020  |
| RMS19112  | 22 Meeanee Quay                   | P Grant                         | Northern Residential zone subdivision to create one additional lot (two in total)  | Restricted Discretionary | 28 January 2020  |
| RMS19096  | 37 & 39 Barnard Ave               | A1 Specialized House Movers Ltd | Main Residential zone subdivision to create two additional lots (three in total)   | Controlled               | 28 January 2020  |
| RM190158  | 150 & 152 Riverbend Rd            | Landstaff Ltd                   | Main Residential zone multi-unit development entailing one additional dwelling (three in total)  | Restricted Discretionary | 31 January 2020  |
| RMS19113  | 78 Harold Holt Ave                | Kainga Ora                      | Main Residential zone subdivision and multi-unit development encompassing the creation of one additional lot (two in total) and the construction of one additional residential dwelling (two in total) | Restricted Discretionary | 3 January 2020   |
| RMS19114  | 254 Riverbend Rd                  | AD Jackson                      | Main Rural zone subdivision to create one additional lot (two in total)  | Non-complying            | 7 January 2020   |
| RMS200002 | 150 Willowbank Ave                | CA Sullivan                     | Main Rural zone subdivision to create an additional lot (two in total)   | Restricted Discretionary | 11 February 2020 |
| RMS200001 | 11 & 15 Niven St & 4 Edmundson St | The Applegate Trust             | Main Industrial zone subdivision to provide two industrial allotments  | Controlled               | 11 February 2020 |

|           |                                 |                                 |   |                                    |                  |
|-----------|---------------------------------|---------------------------------|---|------------------------------------|------------------|
| RMS19115  | 27 The Loop                     | JC Barley                       | Man Rural zone subdivision to create one additional lot (two in total) with associated NES (soils) assessment   | Non-complying                      | 13 February 2020 |
| RMS200006 | 720 Main North Rd               | J Endean                        | Propose right of way  | Right of way                       | 17 February 2020 |
| RMS200005 | 22A White St                    | C Walling                       | Main Residential zone subdivision creating one additional lot (two in total)  | Controlled                         | 18 February 2020 |
| RMS19070A | 150 Guppy Rd                    | Classic Developments Guppy Ltd  | Variation to approved resource consent RMS19070 (62 lot residential subdivision) to allow reduced yard set back for lots adjoining the Napier-Hastings Expressway | Restricted Discretionary           | 18 February 2020 |
| RM200001  | 149 Meeanee Rd                  | SM Alexander                    | Main Rural zone proposal to build new dwelling and shed for occupation  | Restricted Discretionary           | 18 February 2020 |
| RM200003  | 118 Puketitiri Rd               | SS Homes                        | Earthworks associated with the establishment of a building platform that exceeds the maximum volume threshold in the Rural Residential zone                       | Restricted Discretionary           | 20 February 2020 |
| RM190155  | 52 Bedford Rd                   | LP & BJ Deverell Partnership    | Multi-unit development within the Main residential zone encompassing a relocated dwelling (two dwellings in total)  | Restricted Discretionary           | 21 February 2020 |
| RM200002  | 25 Kennedy Rd                   | JN Willis                       | Main Residential zone resource consent required for a change of use, no structural changes  | Restricted Discretionary           | 14 February 2020 |
| RM190025A | 69, 77, 79, 81, 83 & 87 Ford Rd | Wallace Development Company Ltd | Variation to approved resource consent RM190025 (Kmart) to remove one hospitality unit and increase floor size of the retail unit                                 | Discretionary                      | 18 February 2020 |
| RMS200004 | 32 James Foley Ave              | M Meech                         | Main Residential zone subdivision to create one additional lot ( two in total)  | Controlled                         | 14 February 2020 |
| PB200001  | 122 Te Awa Ave                  | Vision Homes Ltd                | Multi-unit development (three dwellings) with a height to boundary infringement   | Deemed Permitted Boundary Activity | 13 February 2020 |



### 3. DOCUMENTS EXECUTED UNDER SEAL

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 906176   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

#### 3.1 Purpose of Report

To report on the Documents Executed under Seal for the period 7 January – 21 February 2020.

##### Officer's Recommendation

That Council:

- a. Receive the report for Documents Executed under Seal for the period 7 January – 21 February 2020.

#### MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

#### Schedule of Documents Executed under Seal

For the period 7 January - 21 February 2020

| Date       | Document   |
|------------|--|
| 14.01.2020 | Consent to Transfer Lessee's interest held in Leave                      |
| 23.01.2020 | Summerset - Te Awa Easement  |
| 28.01.2020 | Covenant Instrument to partially revoke land covenant – Fencing Covenant |
| 30.01.20   | Easement for sewer main  |
| 05.02.2020 | Easement in favour of NCC to protect NCC Sewer Main                      |
| 05.02.2020 | Consent to transfer of lessee's interest 108 Niven Street                |
| 05.02.2020 | Deed of Covenant Blaise Beach Ltd & NCC                                  |
| 13.02.2020 | Easement in Gross 72-86 Geddis Avenue                                    |
| 13.02.2020 | Easement in Gross 5 Savage Crescent                                      |
| 17.02.2020 | Lease Agreement HB Airport Ltd & Hertz NZ Ltd                            |

#### 3.2 Attachments

Nil

# PUBLIC EXCLUDED ITEMS

That the public be excluded from the following parts of the proceedings of this meeting, namely:

## Agenda Items

1. Joint Committee Public Excluded Minutes - Omarunui Refuse Landfill
2. Actions From Previous Meetings - Public Excluded Items

## Reports from Prosperous Napier Committee held 27 February 2020

1. Request for Remission for Special Circumstances
2. Recommendations for Appointment to the Napier District Licensing Committee –  
**Decision of Council**

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

| General subject of each matter to be considered. | Reason for passing this resolution in relation to each matter.   | Ground(s) under section 48(1) to the passing of this resolution.   |
|--|--|--|
|  | That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to: | 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: |

## Agenda Items

|   |   |  |
|---|---|--|
| 1. Joint Committee Public Excluded Minutes - Omarunui Refuse Landfill | 7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities | 48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:<br>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official |
|---|---|--|

|   |   |   |
|---|---|---|
|   |   | Information and Meetings Act 1987.  |
| 2. Actions From Previous Meetings - Public Excluded Items | 7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied | 48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:<br>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987. |

#### Reports from Prosperous Napier Committee held 27 February 2020

|   |   |   |
|---|---|---|
| 1. Request for Remission for Special Circumstances                            | 7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information | 48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:<br>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987. |
| 2. Recommendations for Appointment to the Napier District Licensing Committee | 7(2)(a) Protect the privacy of natural persons, including that of a deceased person   | 48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:<br>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official                                    |

|  |  |                                       |
|--|--|---------------------------------------|
|  |  | Information and Meetings Act<br>1987. |
|--|--|---------------------------------------|

# ORDINARY MEETING OF COUNCIL

## Open Minutes

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|               |                          |
|---------------|--------------------------|
| Meeting Date: | Thursday 30 January 2020 |
|---------------|--------------------------|

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|       |                   |
|-------|-------------------|
| Time: | 10.00am – 12.43pm |
|-------|-------------------|

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|       |   |
|-------|---|
| Venue | Council Chambers<br>Hawke's Bay Regional Council<br>159 Dalton Street<br>Napier |
|-------|---|

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|         |   |
|---------|---|
| Present | Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright |
|---------|---|

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|               |   |
|---------------|---|
| In Attendance | Chief Executive, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Chief Financial Officer, Manager Business Excellence & Transformation, Team Leader Governance, Senior Maori Advisor, Investment and Funding Manager |
|---------------|---|

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|                |                 |
|----------------|-----------------|
| Administration | Governance Team |
|----------------|-----------------|



## Apologies

### Council resolution

Councillors Boag / Wright

That the apologies from Councillor Crown be accepted.

Carried

## Conflicts of interest

Councillor Hayley Browne declared an interest in Item 7. In order to manage this interest she left the room for the item.

## Public forum

### ***Taradale Bridge Club – Ash Fitchett, Jo Hayes, and Jan Davis***

Ash, Jo, and Jan spoke in relation to the desire to lease some reserve land in Taradale, ideally at Park Island, to build a new facility for the Taradale Bridge Club.

It was noted:

- The club's membership is well over 200 people, mostly in the 60+ age range, who live in the Taradale/Greenmeadows area.
- The club has been without a permanent facility after outgrowing their original facility in Devonshire Place in Taradale.
- They have been leasing room at the Napier Bridge Club most recently, but due to vandalism, graffiti, and costly damage to cars at that facility the club have had to pay for a security guard.
- The club would like to relocate to the Taradale area, and are in negotiations about sharing a facility with the Hawkes Bay Rugby Union.
- Ideally there would be enough space for 24 card tables, with a kitchen, bathroom and storage, and parking outside for 40+ cars. They estimate the building will need to be 260 square meters.
- The club has enough money reserves to build the facility (\$500,000) but not to buy land as well. They are in talks with Community Grants organisations, ECCT and the Lotteries Commission, and are also having a feasibility study done.
- They have drafted plans for the facility already, and a model of the proposed building.
- This club is aligned with the local and national ageing strategy by keeping older people's brains active, preventing memory loss, and by providing a social environment, which staves off loneliness.. Bridge is also a game which can be played despite physical limitations.
- Once built, the facility can be hired out to other Community groups.

In response to questions from Councillors, it was noted:

- Membership fees will cover the cost of ongoing maintenance and running costs of the facility.
- The club would be open to the structure being removable should the land become required for an alternative use in the future.
- There was discussion with the Pirates Rugby Club about sharing a facility, but they are not going to be ready to move for some time yet.
- There will be adequate space to allow the club to grow in numbers over time.

- Park Island is the preferred site for the club over any other site that was considered previously.
- It is possible the Napier Bridge Club may also share the rooms in the future due to the security issues at their site in Whitmore park.

The Mayor concluded the discussions by stating Council Officers will be brought into the conversation so a formal paper can be put together to be brought before Council in the future.

### Announcements by the Mayor

Nil

### Announcements by the management

Nil

### Confirmation of minutes

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|                               |  |
|-------------------------------|--|
| <b>Council<br/>resolution</b> | <u>Councillors Taylor / Price</u>  |
|                               | That the Draft Minutes of the Ordinary meeting held on 19 December 2019 be confirmed as a true and accurate record of the meeting. |
|                               | <u>Carried</u>   |

# AGENDA ITEMS

## 1. 2019-2022 TRIENNIAL AGREEMENT - DRAFT FOR FEEDBACK

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 885187

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*Reporting Officer/s & Unit:* Devorah Nicuarta-Smith, Team Leader Governance

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### 1.1 Purpose of Report

To receive the draft 2019-2022 Triennial Agreement for adoption and provide feedback to the coordinating Council (Regional Council), so that a final version can be provided to Council for adoption

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### At the meeting

The Chief Executive spoke to the triennial agreement draft stating

- it sets out how the Hawke's Bay Region's Councils interact with each other and also strategic priorities for the region.
- It aligns with the Matariki Regional Development Strategy.

In response to questions from Councillors, the following points were clarified:

- This draft has been adopted as is by the Hastings District Council and Central Hawke's Bay Council.
- The Mayoral forum is Chaired by Mayor Alex Walker of Central Hawke's Bay.
- No achievement reports have been provided to the new Mayoral forum as yet.
- The lead for the three waters review is through Napier City Council.

Council resolution Councillors Mawson / Simpson

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That Council:

- a. Adopt the draft 2019-2022 Triennial Agreement and provide feedback where necessary.

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Carried

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## 2. 2019-2022 STANDING ORDERS

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Legal and Operational  |
| <i>Legal Reference:</i>                | Local Government Act 2002; Local Government Official Information and Meetings Act 1987 |
| <i>Document ID:</i>                    | 885125   |
| <i>Reporting Officer/s &amp; Unit:</i> | Devorah Nicuarta-Smith, Team Leader Governance   |

### 2.1 Purpose of Report

To present the 2019-2022 Standing Orders for adoption.

#### At the meeting

The Team Leader Governance spoke to the report noting Council must adopt Standing Orders each triennium. LGNZ can make changes to their template, and most Councils adopt the template as is, or with a few minor amendments.

In response to questions from Councillors, the following points were clarified:

- The Chair of a meeting can suspend relevant Standing Orders to allow for extra public speakers, or to extend speaking time.
- It is reasonable for there to be one clear working days' notice of public speakers at a Council meeting to allow for the logistics of including them in the agenda, however this is at the discretion of the presiding Member.
- Recording Councillors voting for and against a motion, and abstentions, removes the appearance in the written records that a vote was unanimous. It also aligns with the audio and visual recordings.
- A casting vote is a tie-breaker vote to be used by the Presiding Member when the for and against votes on a motion are equal. If it is decided a casting vote should not be used for a particular decision, the applicable standing order can be suspended for that decision by the Presiding Member.
- An Elected Member must vote if the option to abstain is removed. If an equality of votes occurs, the status quo will remain.
- Communities want decisions to be made; abstaining from a vote should only be used very carefully.

#### Officer's Recommendation

That Council:

- a. Confirm its position with regard to Standing Order 19.3 Casting Vote
- b. Adopt the 2019-2022 Standing Orders, noting the following departures from the 2019 Local Government New Zealand model template:
  - i. Standing Order 9.10:

The chief executive must send the agenda to every member of a meeting at least seven clear working days before the day of the meeting, except in the case of a Hearing of a Tender (for which an agenda must be circulated to the panel at least two clear working days in

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advance), an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

ii. Standing Order 15.1:

A period of up to 45 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting....

Speakers can speak for up to 10 minutes, with a further 5 minutes allowed for questions from elected members. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 3 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

iii. Standing Order 16.1:

Speakers can speak for up to 10 minutes...

iv. Standing Order 19.6:

When a division is called, the chief executive (or their delegate) must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result...

v. Standing Order 19.6:

Where a member or members have abstained or voted against a carried motion, the vote(s) or abstention will be immediately recorded for the accuracy of the record...

vi. Standing Order 22.1

... Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option B for the meeting generally, or for any specified items on the agenda.

**Council  
resolution**

Substitute Motion

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Mayor Wise / Councillor Tapine

That Council:

a. Confirm its position with regard to Standing Order 19.3 Casting Vote, that being:

The Mayor, Chairperson or any other person presiding at a Council meeting has a deliberative vote, and in the case of an equality of votes, has a casting vote.

A casting vote is not applicable at standing committees.

b. Adopt the 2019-2022 Standing Orders, noting the following departures from the 2019 Local Government New Zealand model template:

i. Standing Order 9.10:

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The chief executive must send the agenda to every member of a meeting at least seven clear days before the day of the meeting, except in the case of a Hearing of a Tender (for which an agenda must be circulated to the panel at least two clear working days in advance), an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

ii. Standing Order 15.1:

A period of up to 45 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting....

Speakers can speak for up to 10 minutes, with a further 5 minutes allowed for questions from elected members. No more than two speakers can speak on behalf of an organisation during a public forum, unless otherwise decided by the meeting. Where the number of speakers presenting in the public forum exceeds 3 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

iii. Standing Order 16.1:

Speakers can speak for up to 10 minutes, or longer at the discretion of the Chairperson. No more than two speakers can speak on behalf of an organisation's deputation, unless otherwise decided by the meeting.

iv. Standing Order 19.6:

When a division is called, the chief executive (or their delegate) must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result...

v. Standing Order 19.6:

Where a member or members have abstained or voted against a carried motion, the vote(s) or abstention will be immediately recorded for the accuracy of the record...

vi. Standing Order 22.1

... Option C applies unless, on the recommendation of the chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option A or Option B for the meeting generally, or for any specified items on the agenda.

vii. Standing Order 17.2

A petitioner who presents a petition to the local authority...may speak for 10 minutes (excluding questions) about the petition, unless the meeting resolves otherwise.

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viii. Standing Order 21.2(a)

Movers of motions when speaking to the motion – not more than 10 minutes

ix. Standing Orders 15.2 and 16.2

Typographical corrections – replacing the 'and' in the bullet lists with 'or'

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Carried

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### 3. 2019-2022 ELECTED MEMBERS' CODE OF CONDUCT

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Legal and Operational                          |
| <i>Legal Reference:</i>                | Local Government Act 2002                      |
| <i>Document ID:</i>                    | 885122   |
| <i>Reporting Officer/s &amp; Unit:</i> | Devorah Nicuarta-Smith, Team Leader Governance |

#### 3.1 Purpose of Report

To present the 2019-2022 Elected Member's Code of Conduct for adoption.

#### At the meeting

The Team Leader Governance spoke to the report noting Council must adopt a Code of Conduct each triennium for the Elected Members. LGNZ provide a template. A Code of Conduct is a document created by Elected Members to guide how Elected Members should interact with each other, Council staff, the public and the media. It also outlines the process required if an Elected Member acts outside of the Code of Conduct. Equip has a list of independent investigators for these situations to be used in the 2019 -2022 triennium.

In response to questions from Councillors, the following points were clarified:

- Councillors can express personal opinions where they are different from decisions of Council as long as they do it in appropriate manner and still uphold the final decision of Council.
- Public complaints about an Elected Member is a separate process.

|                           |   |
|---------------------------|---|
| <b>Council resolution</b> | Mayor Wise / Dep. Mayor Brosnan                         |
|                           | That Council:   |
|                           | a. Adopt the 2019-2022 Elected Members' Code of Conduct |
|                           | Carried   |



## 4. NAPIER CITY FLAG

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Legal and Operational                          |
| <i>Legal Reference:</i>                | Her Majesty's College of Arms; Heraldry        |
| <i>Document ID:</i>                    | 885209   |
| <i>Reporting Officer/s &amp; Unit:</i> | Devorah Nicuarta-Smith, Team Leader Governance |

### 4.1 Purpose of Report

To present the correct formal Napier City flag design for adoption.

#### At the meeting

The Team Leader Governance spoke to the report noting the redesign of the city flag is correcting a legacy issue rather than designing a new flag, and it will enable the public to be able to purchase a flag for display if they choose to.

In response to questions from Councillors, the following points were clarified:

- A bulk order of flags could be made to reduce the cost of a city flag for the public.
- The draft flag's components are a slightly different design to those on the coat of arms. But it is possible to get these redrawn.
- The components on the design comply with the rules of heraldic practice.
- The design is for a city flag, the Napier City Council has a flag of its own which complies with its branding.
- The city flag was flown at the Civic building every day and it is probable that this will occur once a new location for Council is established. It would also be flown at notable occasions, for example when someone of significance to Napier passes away or at a significant city event.
- A flagpole up to 12 metres can be erected in a residential area without a consent.

**ACTION:** Ensure golden fleece design is true to the original Coat of Arms drawings.

#### Council resolution

Councillors Tapine / Wright

That Council:

- Adopt the correct formal flag for Napier City
- Direct officers to lodge the Napier City heraldic flag design with an appropriate flag maker for future production as required.

Carried

## 5. EMBLEM AND ENSIGN POLICY

|  |  |
|--|--|
| <i>Type of Report:</i>                 | Operational                                    |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 885371   |
| <i>Reporting Officer/s &amp; Unit:</i> | Devorah Nicuarta-Smith, Team Leader Governance |

### 5.1 Purpose of Report

To present the Emblem and Ensign Policy for adoption

#### At the meeting

The Team Leader Governance spoke to the report noting this is to update and replace some old policies

In response to questions from Councillors, the following points were clarified:

- The public will need to seek the consent of Council to use the city flag.
- A preauthorisation at a flag makers could be investigated. If this was done Council could request the flag maker give directions for the City flag's use with a purchase; alternatively there could be a policy change so flags are purchased through Council rather than a flag maker.
- The use of the flag artwork on other mediums can be considered as the need arises.
- Founders Day could be an appropriate day to use the City flag.

**ACTION:** Investigate option for Council to purchase a number of Napier City (heraldic) flags to manage cost to members of the public and the authorisation process. Bring back to Council for possible amendment to policy clauses 31 and 32.

#### Council resolution

Councillors Wright / Browne

That Council:

- a. Adopt the Emblem and Ensign Policy, noting that this updates and replaces
  - i. Napier City Council Logo and Coat of Arms Policy 2003
  - ii. Flying of NZ & City Flags Policy 1987

Carried

## 6. REVENUE AND FINANCING POLICY REVIEW

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 880867

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*Reporting Officer/s & Unit:* Caroline Thomson, Chief Financial Officer

### 6.1 Purpose of Report

To seek Council approval to adopt step one of a two step process to review Council's Revenue and Financing policy as required under section 101(3)(a) of the Local Government Act 2002.

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#### At the meeting

The Chief Financial Officer spoke to the report noting step one of the Council's Revenue and Financing policy is ready to be adopted which will allow step two to commence.

#### Council resolution

Councillors Taylor / Price

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That Council:

- a. Adopt the step one analysis for the Council activities as set out in the 'Activity Summary for step one' schedule.

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Carried

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## 7. NAPIER CITY BUSINESS INC FUNDING CONSULTATION

|                             |  |
|-----------------------------|--|
| Type of Report:             | Operational                                      |
| Legal Reference:            | N/A  |
| Document ID:                | 881621   |
| Reporting Officer/s & Unit: | Garry Hrustinsky, Investment and Funding Manager |

### 7.1 Purpose of Report

To advise Council of the Napier City Business Incorporated (NCBI) funding consultation process and seek Council approval of the process.

#### At the meeting

*Councillor Browne left the room at 12.28pm*

The Investment and Funding Manager spoke to the report noting NCBI aims to make sure the Napier CBD is welcoming and inviting. In order to maintain this service NCBI need to increase their members CBD promotional levy. NCBI are seeking permission to consult directly with affected parties in regards to this rather than the Council performing that task.

In response to questions from Councillors, the following points were clarified:

- 75% of members present at a meeting are required to authorise the change.
- NCBI have gone through a robust process with an independent company to gather contact details for all members.
- NCBI can give feedback as to the outcome of the vote, but there will also be Council representation at the meeting. Council staff would also be welcome.
- The consultation will be with the members within the current membership base.
- Council staff have been consulted about the correct process for this as there is no written process for this. NCBI are trying to do things fairly, but are happy to have extra oversight by Council if required.

#### Council resolution

Councillor Wright / Dep. Mayor Brosnan

That Council:

- Approve the consultation process proposed by Napier City Business Incorporated as part of their funding review.

Carried

## 8. ACTIONS FROM PREVIOUS MEETINGS

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|  |                                 |
|--|---------------------------------|
| <i>Type of Report:</i>                 | Procedural                      |
| <i>Legal Reference:</i>                | Enter Legal Reference           |
| <i>Document ID:</i>                    | 891346                          |
| <i>Reporting Officer/s &amp; Unit:</i> | Cheree Ball, Governance Advisor |

### 8.1 Purpose of Report

To present the actions from previous meetings for awareness.

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#### At the meeting

*Councillor Browne returned to the room 12.38pm*

In response to questions from Councillors, the following points were clarified:

- Councillors can have input into what Sean Bevan focuses on in his presentation to Council. This input can be relayed through the Deputy Mayor as this sits within her portfolio.
- As actions in the table are reported as completed they will be removed from the actions table.

#### Council resolution

Dep. Mayor Brosnan / Councillor Tapine

That Council:

- a. Note the actions from previous meetings along with their current status.

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Carried

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# REPORTS UNDER DELEGATED AUTHORITY

## 1. TENDERS LET

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|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 885620   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

### 1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 5 December 2019 – 6 January 2020.

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#### At the meeting

There were no Tenders Let for the period.

#### Council resolution

Councillors Taylor / Tapine

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That Council:

- a. Note that there were no Tenders Let under delegated authority for the period 5 December 2019 – 6 January 2020.

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Carried

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## 2. DOCUMENTS EXECUTED UNDER SEAL

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|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 885648   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

### 2.1 Purpose of Report

To report on the Documents Executed under Seal for the period 5 December 2019 – 6 January 2020.

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#### At the meeting

There were no Documents Executed under Seal for the period.

#### Council resolution

Councillors Taylor / Tapine

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That Council:

- a. Note that there were no Documents Executed under Seal for the period 5 December 2019 - 6 January 2020.

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Carried

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### 3. RESOURCE CONSENTS

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|  |  |
|--|--|
| <i>Type of Report:</i>                 | Information  |
| <i>Legal Reference:</i>                | N/A  |
| <i>Document ID:</i>                    | 886250   |
| <i>Reporting Officer/s &amp; Unit:</i> | Debbie Beamish, Executive Assistant to the Chief Executive |

#### 3.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 1 December 2019 – 6 January 2020.

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#### At the meeting

There were no questions from Council.

#### Council resolution

Councillors Taylor / Tapine

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That Council:

- a. Resolves to receive the report titled 'Resource Consents approved 1 December 2019 – 6 January 2020.'

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Carried

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# PUBLIC EXCLUDED ITEMS

## Council resolution

Dep. Mayor Brosnan / Councillor Boag

That the public and all staff (excepting the Manager People and Capability for the initial item) be excluded from the following parts of the proceedings of this meeting.

Carried

## Agenda Items

1. Chief Executive Remuneration 19/20
2. Chief Executive Performance Review Process
3. Chief Executive Contract
4. Actions From Previous Meetings - Public Excluded Items

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each matter, and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution were as follows:

| General subject of each matter to be considered. | Reason for passing this resolution in relation to each matter.   | Ground(s) under section 48(1) to the passing of this resolution.   |
|--|--|--|
|  | That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to: | 48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: |

## Agenda Items

|                                       |   |  |
|---------------------------------------|---|--|
| 1. Chief Executive Remuneration 19/20 | <p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(g) Maintain legal professional privilege</p> | <p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except</p> |
|---------------------------------------|---|--|

|   |  |  |
|---|--|--|
|   |  | 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.  |
| 2. Chief Executive Performance Review Process             | <p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(g) Maintain legal professional privilege</p>  | <p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p> |
| 3. Chief Executive Contract                               | <p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(g) Maintain legal professional privilege</p>  | <p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p> |
| 4. Actions From Previous Meetings - Public Excluded Items | <p>7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public</p> | <p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official</p>                                    |

|  |   |                                    |
|--|---|------------------------------------|
|  | interest that such information should continue to be supplied | Information and Meetings Act 1987. |
|--|---|------------------------------------|

The meeting moved into committee at 12.43pm

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Approved and adopted as a true and accurate record of the meeting.

Chairperson .....

Date of approval .....